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23rd to 26th August, 1927

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Lt.-Col. the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir JAMES DONALD, KT., C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. Legislative.
6. European Education.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., of Dhanbari, in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. A. N. MOBERLY, C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.

MINISTERS.

The Hon'ble Mr. BYOMKES CHAKRAVARTI, in charge of the following portfolios:—

1. Education (except Registration).
2. Excise.
3. Public Works.

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI, in charge of the following portfolios:—

1. Local Self-Government.
2. Agriculture and Industries (except Excise).
3. Registration.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh.

DEPUTY PRESIDENT.

Khan Bahadur Maulvi EMADUDDIN AHMED, B.L.

Panel of Chairmen for the Twenty-sixth Session.

1. Mr. W. L. TRAVERS, C.I.E., O.B.E.
2. Nawab MUSHARRUF HOSAIN, Khan Bahadur.
3. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.
4. Rai BADRIDAS GOENKA Bahadur.

Secretary to the Council—J. BARTLEY, I.C.S. (*on leave*). A. DEC. WILLIAMS, I.C.S. (*Offg.*).

Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY (*on leave*). M. MUKHARJI (*Offg.*).

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh. (Dacca University.)
Afzal, Maulvi Syed Mahamud. [Bakarganj West (Muhammadan).]
Ahamad, Mauvi Asimuddin. [Tippera South (Muhammadan).]
Ahamad, Maulvi Kasiruddin. [Rangpur West (Muhammadan).]
*Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Atiqullah, Mr. Syed Muhammad. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader, B.L. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Promotha Nath [Midnapore South (Non-Muhammadan).]
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Basu, Babu Sasi Sekhar. [24-Parganas Rural South (Non-Muhammadan).]
Basu, Mr. P. C. [Burdwan South (Non-Muhammadan).]
Basu, Mr. Sarat C. [Burdwan North (Non-Muhammadan).]
Biswas, Babu Surendra Nath. [Faridpur South (Non-Muhammadan).]
Bose, Babu Bejoy Krishna. [Calcutta South (Non-Muhammadan).]
Bose, Mr. S. C. (Calcutta University.)
Bose, Mr. Subhas Chandra. [Calcutta North (Non-Muhammadan).]

C

Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravarti, the Hon'ble Mr. Byomkes. (Minister.) (Bengal National Chamber of Commerce.)

---

* Deputy President, Bengal Legislative Council.

Chakraburtty, Babu Jatindra Nath. [Rangpur East (Non-Muhammadan).]
Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]
Chatterjee, Srijut Bijay Kumar. [Bankura West (Non-Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E., of Dhanbari. (Member, Executive Council.)
Choudhury, Maulvi Khorshed Alam. [Bakarganj North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Das Gupta, Dr. J. M. [Calcutta Central (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Datta, Babu Amulya Chandra. [Hooghly Municipal (Non-Muhammadan).]
De, Mr. K. C., C.I.E. (Nominated Official.)
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Sir James, Kt., C.S.I., C.I.E. (Member, Executive Council.)
Drummond, Mr. J. G. (Nominated Official.)
Dutt, Babu Saral Kumar. [Bakarganj North (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)

E

Eddis, Mr. A. McD. (Bengal Chamber of Commerce.)

F

Faroqui, Khan Bahadur K. G. M. [Tippera North (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Ganguly, Babu Khagendra Nath. [Howrah Municipal (Non-Muhammadan).]
Ghose, Babu Amarendra Nath. [Mymensingh West (Non-Muhammadan).]

Ghosh Maulik, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan. (Minister.) [Mymensingh South-West (Muhammadan).]
Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas. (Bengal Marwari Association.)
Gofran, Maulvi Abdul. [Noakhali West (Muhammadan).]
Gupta, Mr. Jogesh Chandra. [Dacca City (Non-Muhammadan).]

H

Habibulla, Nawab Khwaja. [Dacca City (Muhammadan).]
Hamilton, Lt.-Col. W. G., I.M.S. (Nominated Official.)
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Himatsingka, Babu Prabhu Doyal. [Calcutta West (Non-Muhammadan).]
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Husain, Maulvi Latafat. (Nominated Non-official.)
Husain, Maulvi Syed Maqbul. [Chittagong North (Muhammadan).]
Huq, Khan Bahadur Maulvi Ekramul. [Murshidabad (Muhammadan).]

I

Ismail, Khan Bahadur Maulvi Muhammad. [Mymensingh Central (Muhammadan).]

J

James, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan.)]
Kellock, Mr. C. de M. (Indian Mining Association.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan Chaudhuri, Mr. M. Ashraf Ali. [Rajshahi North (Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur North (Muhammadan).]
Khan, Mr. Razaur Rahman. [Dacca East Rural (Muhammadan).]

L

Lahiri, Mr. Basanta Kumar. [Nadia (Non-Muhammadan).]
Laird, Mr. R. B. (Indian Jute Mills Association.)
Lala, Babu Saroda Kripa. (Chittagong Landholders.)
Liddell, Mr. H. C., C.I.E. (Nominated Official.)
Lindsay, Mr. J. H. (Nominated Official.)

M

MacBean, Mr. J. A. (Indian Tea Association.)
Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Babu Mahendra Nath. [Midnapore South-East (Non-Muhammadan).]
Marr, Mr. A., C.I.E. (Nominated Official.)
Mawla, Maulvi Chaudhury Gholam. [Faridpur South (Muhammadan).]
Mazumdar, Rai Bahadur Jadunath, C.I.E. [Jessore North (Non-Muhammadan).]
McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mitter, Sir Provash Chander, KT., C.I.E. (Presidency Landholders.)
Moberly, the Hon'ble Mr. A. N., C.I.E. (Member, Executive Council).]
Moitra, Srijut Jogendra Nath. [Bogra *cum* Pabna (Non-Muhammadan).]
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Srijut Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Mr. Khwaja. C.I.E. [Bakarganj South (Muhammadan).]

O

Oaten, Mr. E. F. (Nominated Official.)
Ordish, Mr. J. E. [Dacca and Chittagong (European).]

P

Phelps, Mr. Trevor J. (Calcutta Trades Association.)
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Prentice, Mr. W. D. R. (Nominated Official.)

R

Rahim, Sir Abd-ur, K.C.S.I. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Maulvi Shamsur. [Khulna (Muhammadan).]
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Syed Abdur. [Jessore North (Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur West (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Maharaja Jogindra Nath, of Nator. (Rajshahi Landholders.)
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia. (Member, Executive Council.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
Ray Chaudhuri, the Hon'ble Raja Manmatha Nath, of Santosh. (Dacca Landholders.)
Reid, Mr. R. N. (Nominated Official.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N., Bar.-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Sachse, Mr. F. A. (Nominated Official.)
Sadeque, Maulvi Mohamed. [Noakhali East (Muhammadan).]
Sanyal, Babu Sachindra Narayan. [Rajshahi Non-Muhammadan).]
Sarbadhikari, Dr. Sir Deva Prosad, Kt., C.I.E., C.B.E. (Nominated Non-official.)

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* President of the Bengal Legislative Council.

Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sattar, Khan Sahib Abdus. [Chittagong South (Muhammadan).]
Sattar, Mr. Abdool Razak Hajee Abdool. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Sen, Mr. Satish Chandra. (Bengal National Chamber of Commerce.)
Sen, Srijut Nagendra Nath. [Khulna (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Shah, Mr. Gholam Hossain. [24-Parganas Municipal (Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Skinner, Mr. S. A. (Bengal Chamber of Commerce.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stuart-Williams, Mr. S. C. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Tate, Major-General Godfrey, M.B., V.H.S., I.M.S. (Nominated Official.)
Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

W

Woodhead, Mr. J. A. (Nominated Official.)
Wordsworth, Mr. W. C. [Presidency and Burdwan (European).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Twenty-sixth Session.)

VOLUME XXVI.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 23rd August, 1927, at 3 P.M.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council and the two Hon'ble Ministers and 124 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown :—

Major-General GODFREY TATE, M.B., V.H.S., I.M.S.

Lt.-Col. W. G. HAMILTON, I.M.S.

Mr. R. N. REID.

Mr. SUBHAS CHANDRA BOSE.

Babu KHAGENDRA NATH GANGULY.

Sir ABD-UR-RAHIM, K.C.S.I.

Mr. C. de M. KELLOCK.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1926, I nominate the following

members of the Council to form a panel of four Chairmen for the ensuing session, *viz.*—

Mr. W. L. TRAVERS, C.I.E., O.B.E.;

Nawab MUSHARRUF HOSAIN, Khan Bahadur;

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur; and

Rai BADRIDAS GOENKA Bahadur.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Gentlemen, I propose to adjourn the sitting of the Council for half-an-hour after His Excellency's address, to enable His Excellency the Governor to unveil a portrait of Lord Lytton. As this ceremony will not form any part of the regular proceedings of the Council, members who are willing to remain in their seats during the ceremony are welcome to do so.

Babu JITENDRALAL BANNERJEE: On a point of information, Sir, may I enquire whether you consulted the House before arranging for the unveiling of the portrait of Lord Lytton within the Council Chamber?

Mr. PRESIDENT: The question does not arise at all, because it is an affair which concerns the subscribers and not the members of the Council. It will not form a part of the Council proceedings.

Babu JITENDRALAL BANNERJEE: Then why is it that this unveiling ceremony is being performed during Council.

Mr. PRESIDENT: Order, order.

Mr. S. C. BOSE: On a point of order, you just now observed that it will not form part of the regular proceedings of the Council. Is it meant that it will form part of the irregular proceedings of the Council?

Mr. PRESIDENT: What do you mean, Mr. Bose?

Mr. S. C. BOSE: I do not think this regular at all. Is it in order to mention this matter when the Council is sitting?

Mr. PRESIDENT: I am only giving you an opportunity of knowing what I am going to do. It is more a matter of courtesy than anything else.

At this stage the Registrar to the Council announced to the Hon'ble the President that His Excellency the Governor was without.

The Hon'ble the President then left his seat on the *dais* and met His Excellency at the head of the staircase. His Excellency then entered the Council Chamber with the Hon'ble the President, and, at the request of the Hon'ble the President, took his seat in the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.

His Excellency the Governor's Address.

HIS EXCELLENCY the GOVERNOR of BENGAL (Sir Francis Stanley Jackson): MR. PRESIDENT AND GENTLEMEN,—I welcome this opportunity of meeting the Council in session for the first time since I took up my office in Bengal. You meet somewhat later than usual, but I was advised that, in view of the small amount of business the Government had to put before you, a slight postponement would not be likely to prove seriously inconvenient.

I am personally grateful for the delay, as it has enabled me to complete my tour in Eastern Bengal and thereby gain an experience, which I feel is of great value to me; and the possession of some first-hand knowledge of the conditions prevailing in that portion of the Presidency makes it easier for me to address you with confidence.

3-15 P.M.

I have had the opportunity of visiting some important districts where I have had the good fortune to meet personally a considerable number of prominent people of all classes and communities in various localities, who readily and generously discussed with me many questions of local and general interest. It was a particular pleasure to meet several members of this Council in their individual constituencies. Everywhere I met with a welcome which I always believed I might expect from a naturally kind-hearted people, but which actually far exceeded my expectations. I feel that knowledge gained by seeing with my own eyes and hearing with my own ears is of greater value than any I could have acquired from other sources at my disposal.

Gentlemen, you will be asked to deal with a number of important Bills in the near future, some of which I may now outline. The Bengal Borstal Schools Bill deals with what appears to be an urgent requirement in this Presidency. It provides for youthful offenders against the law being placed in special institutions, where freed from contact with habitual criminals, they may be given a chance, from example and training in useful occupations, to fit themselves to lead the lives of respectable citizens.

Three other Bills will be presented, *viz.*—

(1) The Calcutta Vehicles Bill;

(2) The Bengal Land Development Bill; and

(3) The Bengal Mining Settlements Bill.

A Bill of exceptional importance which the Government hope to introduce this session, but which unfortunately has not yet been returned by the Government of India, is the Rural Primary Education Bill. The urgent and crying need for a Bill dealing with popular education in rural areas is too obvious to require much comment from me to-day.

During the 5 months I have been in India, I have endeavoured to make myself acquainted with the educational systems and requirements in this Presidency. What has impressed me most forcibly is the great difference in the annual expenditure upon University education and that upon primary education. Between 1920-21 and 1925-26, the Government contribution for University expenditure has increased by over 13 lakhs to a total of 37 lakhs, whilst contributions towards primary education have remained stationary at 25 lakhs. I am not suggesting that too much has been spent on University education, but I think it is a matter for serious consideration whether enough is spent on primary education.

I have also been struck during my tour by the number of Municipalities, District Boards and individuals who have earnestly advocated the need for immediate action in connection with the introduction of free primary education in rural areas. The opinion was generally expressed that the people would be prepared to make the necessary sacrifice to attain it. Free primary education for this presidency is a large and serious proposition, but it is one which I believe must be boldly faced in the near future.

The next subject upon which I should like to say a few words is one which I have reason to know is the cause of much anxiety and concern to all. In March last year, speaking in the Legislative Assembly, with reference to persons detained under Regulation III, and the Bengal Criminal Law Amendment Act, Sir Alexander Muddiman made a statement which represented the views of this Government and which were approved by the Government of India. He said:—

"The policy of Government regarding those who have been detained under Regulation III and the Bengal Criminal Law Amendment Act, in connection with the Bengal revolutionary conspiracy, has been and still is, that the detention of no man should last longer than is essential in the interests of public safety, and we are anxious to pursue, as quickly as possible, the gradual release of individuals, whose conduct gives reason for hoping that they will not abuse their liberty."

That was a definite statement of policy pronounced upon this vexed question just before I took up my office in Bengal. There has been no change in this policy upon which I have considered it my duty to proceed. Since that statement was made and after most careful consideration of the whole situation in all its aspects, and after consultation with my Government, I considered that the conditions prevailing in Bengal justified an acceleration of the rate of release and action was taken accordingly.

I find that at the end of March this year, there were:—

In Jail.. ...54 under the Bengal Criminal Law Amendment Act,,and 16 under Regulation III.

To-day there are 32 under the Bengal Criminal Law Amendment Act, and 8 under Regulation III.

At the end of March this year 26 had been released from restraint. To-day the number stands at 60.

Provided no untoward event occurs, and the conditions at present prevailing in Bengal continue and the conduct of those released justifies the action taken in their cases, I hope that a large number of those now detained will have been transferred or released before the end of the year.

I shall continue to give my own personal attention to each individual case.

I feel that I have arrived in India at a moment of exceptional interest. In the ordinary course of events the Statutory Commission, as laid down under the Act of 1919, will start its investigations within the next two years. Their primary duty will appear to be, after investigation, to report upon the results of the working of the Act of 1919 throughout India and upon this report will hang the decisions of momentous importance to the future Government of India. I am hopeful that during the period left before the Commission starts its work, we, in Bengal, may be able to produce wise and statesman-like legislation to prove ourselves worthy of the confidence of the British Parliament in our ability to manage our own affairs. There is unquestionable opportunity for the provision of legislation, urgently needed and equally urgently demanded, the obvious benefits of which should not be withheld from the people.

I note on the paper a motion expressing "no confidence" in the Ministers. This is a serious resolution and one which, I am sure, has not been put down without due consideration of the possible consequences. All Hon'ble Members will appreciate their personal responsibility on a vote of this kind. My duty is quite clear. In case of an adverse vote I shall accept the decision of the Council and it will not be possible for the Ministers to retain their offices. It might be necessary to prorogue the House in order to enable me to fill their places.

My first meeting with this Council, with which in the ordinary course of events I must be brought into close contact during the next few years, is for me an occurrence of exceptional interest. When I see these crowded benches, it gives me cause for hopefulness. My sole aim is to do my duty fairly and justly towards Bengal and its people, and with such a desire I know all of you are equally animated, though our endeavours to attain our aim may be by varying methods. If this aim be our guiding principle, I shall not be without hope of fruitful results.

I pray that your deliberations may receive the blessings and guidance of Providence.

His Excellency the Governor then left the Council, preceded by the Hon'ble the President.

The Hon'ble the President then returned to the Chamber and took the Chair.

[At 3-30 P.M. the Council was adjourned and it reassembled at 4-5 P.M.]

NEW METHOD OF TAKING DIVISIONS.

Mr. PRESIDENT: I wish to draw your attention to the Secretary's circular Nos. 5065—5200L., dated the 18th instant, enclosing a copy of the revised orders prescribing methods of taking votes by division. Copies of these papers have been laid on your seats.

Starred Questions

(to which oral answers were given).

Civil Court building at Dacca.

*1. **Mr. Syed Md. ATIQULLAH:** (*a*) With reference to the reply given on the 12th March, 1927, to unstarred question No. 106, will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is in the contemplation of the Government to include the scheme for allotment of funds for constructing a Civil Court building at Dacca in the next supplementary budget?

(*b*) If not, will the Hon'ble Member be pleased to state definitely when the allotment of funds for the purpose will be made?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) It is not proposed to present a supplementary budget this year.

(*b*) No definite statement can be made.

Mr. JOGESH CHANDRA GUPTA: Does not the Hon'ble Member think it necessary to expedite this project and provide for a Civil Court building as early as possible?

The Hon'ble Mr. A. N. MOBERLY: That depends on the funds available.

Mr. JOGESH CHANDRA GUPTA: If funds are available, what objection is there to provide for a Civil Court building at Dacca?

The Hon'ble Mr. A. N. MOBERLY: No objection, whatever, provided there are no more urgent schemes for which the money has got to be spent.

Mahananda river in Malda district.

*2. **Babu ROMES CHANDRA BACCHI:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to lay on the table a statement showing the maximum and minimum depths of the river Mahananda throughout its course in the Malda district as far as possible with special reference to those places where shoals are in course of formation?

(*b*) Is the Hon'ble Member aware that shoaly portions of the river make it impossible for the continuance of the Malda Steamer Service throughout the year and even boats cannot pass those portions without great difficulty in the dry season?

(*c*) Is it a fact that the river is in danger of being silted up in the near future?

(*d*) Are the Government considering the desirability of improving the river by dredging the shoaly portions of the river in the near future?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) A statement is laid on the table.

(*b*) Yes.

(*c*) There appears to be no such probability.

(*d*) Government are considering the question of bandalling the shoals: the information available is insufficient to show whether dredging would do good, but the matter will be examined.

Statement referred to in the reply to clause (a) of starred question No. 2.

No.	Name.	Approximate length.	Least water.	Remarks.
		Feet.	Ft. in.	
1	Sultangunge shoal ..	2,800	4 0	Maximum depths are about 20 feet greater.
2	Bastipore shoal ..	1,700	5 0	Ditto.
3	Shunkarbati shoal ..	1,000	5 3	Ditto.
4	Nawabgange shoal ..	1,500	4 3	Ditto.
5	Chapai shoal ..	1,250	3 3	Ditto.
6	Chandpur shoal ..	2,000	3 0	Ditto.
7	Masurbhuja shoal ..	3,000	3 0	Ditto.
8	Moochia shoal ..	4,000	3 0	Ditto.
9	Bolahat shoal ..	1,800	4 0	Ditto.
10	Chotpur shoal ..	1,800	3 0	Ditto.

Holding courts by the judicial officers till late in the evening.

*3. **Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that in some places judicial officers have to work extra hours, prolonging their sittings till after nightfall for disposal of the day's work?

(*b*) Is it the intention of Government that judicial officers should sit in Court till after 5 o'clock and often till after nightfall?

(*c*) Is the Hon'ble Member in charge of the Judicial Department aware that legal practitioners and litigants are inconvenienced by judicial officers sitting in court till late hours of the evening?

(*d*) If the answer to (*a*) is in the affirmative, have any steps been taken to ascertain whether the number of judicial officers is proportionate to the amount of work to be gone through?

(*e*) If so, are the Government contemplating taking any steps in the matter?

The Hon'ble Mr. A. N. MOBERLY: (*a*) It is known that in order to dispose of criminal work, and especially of Sessions cases, with proper despatch, judicial officers have, on occasions, prolonged their sittings till a late hour of the day.

(*b*) No.

(*c*) Inconvenience may be caused to some legal practitioners and litigants if the business of the court is carried on to a late hour.

(*d*) and (*e*) The whole question is under consideration of Government and the High Court.

Maulvi KADER BAKSH: Is the Hon'ble Member aware that pleaders and jurors had to sit up to 10 o'clock at night in some session cases?

The Hon'ble Mr. A. N. MOBERLY: I have no information on that point.

Curtailment of holidays in Civil Courts.

*4. **Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state how many Hindu holidays and how many Muhammadan holidays have been curtailed on the recommendation of the Retrenchment Committee?

(*b*) Has there been any appreciable improvement in the disposal of civil suits as a result of the reduction of holidays?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Member be pleased to state the nature of the improvement?

The Hon'ble Mr. A. N. MOBERLY: (a) Five Hindu and four Muhammadan holidays.

(b) and (c) It is impossible to estimate how far any increase in the disposal of civil suits is to be attributed to the reduction of holidays.

Bengal Tenancy (Amendment) Bill.

***5. Babu JOGINDRA CHANDRA CHAKRAVARTI:** Will the Hon'ble Member in charge of the Department of Revenue be pleased to state—

(*i*) what stage the Bengal Tenancy (Amendment) Bill, 1926, has reached at the hands of the Committee appointed to consider it;

(*ii*) when the labours of the Committee are expected to be finished; and

(*iii*) when the Bill is likely to be introduced in Council?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*i*) and (*ii*) The Committee completed their work on 14th July, 1927.

(*iii*) As soon as Government have considered the report of the Committee and obtained the sanction of the Governor-General.

Babu AKHIL CHANDRA DATTA: When will the Government consider the report?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The Government are considering the report now.

Babu AKHIL CHANDRA DATTA: When the Budget was discussed, there was a token cut of one rupee.....

Mr. PRESIDENT: You are making a speech. You must not forget that you are only to put a supplementary question.

Babu AKHIL CHANDRA DATTA: Very well, Sir. I will put it in this way. Have the Government respected the wishes of the House expressed by that cut in this connection?

District Judge, Dinajpur.

***8. Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether any representation has been received by the Government from the Dinajpur Pleaders' Association praying for the appointment of a whole-time District and Sessions Judge and a whole-time Subordinate Judge for the district of Dinajpur;

(*ii*) whether the attention of the Government has been drawn to the Report on the Inspector of the Civil Courts of Dinajpur by the Hon'ble Mr. Justice B. B. Ghosh, dated the 2nd February, 1927;

(*iii*) whether it is a fact that the District Judge of Dinajpur hears cases according to a time-scale prepared by him and pleaders are asked to finish their arguments within the time limit fixed by him;

(*iv*) whether it is a fact that in Sessions cases the Judge of Dinajpur has very often to sit till after nightfall to finish the cases within the period fixed for his sitting at Dinajpur; and

(*v*) whether it is a fact that persons summoned as jurors are often found to be unwilling to come and sit and the taking up of sessions cases is often delayed in consequence?

(*b*) Is it a fact that the Judge cannot devote sufficient time for civil works and has no time to read a law book as reported by Mr. Justice Ghosh?

(*c*) Is it a fact that there has been an accumulation of civil appeals in Dinajpur?

(*d*) Are the Government considering the desirability of providing Dinajpur with a whole-time District and Sessions Judge and a whole-time Subordinate Judge?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) Yes.

(*a*) (*ii*) Yes; the report has only recently been received and is now being examined in detail.

(*a*) (*iii*), (*iv*) and (*v*) and (*b*) and (*c*) Government have no information on these matters except what has been noticed by the Hon'ble Justice B. B. Ghosh in his inspection report.

(*d*) Government are not in a position to consider such a proposal independently of the High Court; and recommendation that may be made by the High Court will receive the careful consideration of Government.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Has there been any correspondence between the Government and the High Court?

The Hon'ble Mr. A. N. MOBERLY: No.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Does the Government intend to make a reference to the High Court?

The Hon'ble Mr. A. N. MOBERLY: It is for the High Court to take the initiative.

Managing Committee of Aided High Schools.

*7. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state—

(*i*) whether there are any rules for the dissolution of managing committees of Government Aided High English Schools on the expiry of a term of three years; and

(*ii*) what is the procedure to be followed for the reconstitution of the committee on its dissolution?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the term of the committee can be extended beyond three years without a reference to the Director of Public Instruction?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. Byomkes Chakravarti): (*a*) (*i*) Yes. Rule 4, chapter III of the grants-in-aid rules may be seen (copy placed on the library table).

(*ii*) The procedure laid down in rules 2 and 3, chapter III of the grant-in-aid rules, is to be followed.

(*b*) No.

Babu JITENDRALAL BANERJEE: Has the attention of the Hon'ble Minister been drawn to the fact that the rules referred to by him do not contain any provision regarding this matter?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I would ask for notice of this question.

Mr. JOGESH CHANDRA GUPTA: Have the rules been brought to the notice of the Hon'ble Minister?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: The rules have been brought to my notice.

Babu AKHIL CHANDRA DATTA: Sir, in the answer that has been given, certain rules have been cited, and it is now alleged that those rules do not provide for it. Will you give us a ruling whether a fresh notice of such questions is required?

Mr. PRESIDENT: I do not agree with you. The Hon'ble Minister may like to refresh his memory.

Kazi EMDADUL HOQUE: Will the Hon'ble Minister be pleased to state who convened the meeting for the election of the office-bearers after the dissolution of the managing committee?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: The Secretary of the Committee.

Provident funds in aided girls' schools.

*8. **Kazi EMDADUL HOQUE:** Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether it is the intention of Government to take any steps for the opening of provident funds in aided girls' schools for the employees of such schools?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: A Provident Fund Scheme has been approved for the teachers of secondary schools, and aided secondary girls' schools are included in the scope of the scheme.

Seniority of a ministerial officer under Government.

*9. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state what are the criteria that determine the seniority of a ministerial officer under Government?

(*b*) If there are any rules about this, will the Hon'ble Member be pleased to lay a copy of the same on the table?

(*c*) If there are no such rules, are the Government considering the desirability of framing any rules for the purpose?

(*d*) Is it a fact that a ministerial officer's position in the establishment list (*i.e.*, seniority) is not determined according to the amount of pay he enjoys at the time of his transfer from one department, where he had a substantive appointment, to another where he has to undergo a probation prior to his confirmation?

(*e*) Who is the final authority for the decision of disputes as to questions of seniority among ministerial officers under Government?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Sir James Donald): (*a*) and (*d*) Seniority among ministerial officers is ordinarily governed by length of service, reckoned from the date of confirmation. This general principle is, however, affected by several considerations, such as efficiency bars, special posts, transfers from one office to another.

(*b*) and (*c*) No particular rules have been framed, and it is not considered that any are required.

(*e*) Questions relating to seniority are determined by the head of the office, subject to the ordinary rules regarding appeals.

Number and percentage of Hindus and Muhammadans at the Bengal Civil Service Examination.

***10. Nawab MUSHARRUF HOSAIN, Khan Bahadur:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) the number and percentage of the successful Muhammadan candidates in the last Bengal Civil Service Examination wherein the script number system has been introduced doing away with the names and roll numbers of the candidates; and

(*ii*) the number and percentage of the Hindu candidates in the Examination referred to in (*i*)?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): The following are the figures:—

Number of candidates who sat for the examination—

Muhammadans, 73; Hindus (other than those included in "backward classes"), 71.

Number who qualified—

Muhammadans, 32; Hindus (other than those included in "backward classes"), 37.

Percentage—

Muhammadans, 43·8; Hindus (other than those included in "backward classes"), 52·1

Number and percentage of successful Muhammadan [illegible] in the Mukhtearship Examination.

*11. **Nawab MUSHARRUF HOSAIN, Khan Bahadur:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the number and percentage of successful Muhammadan candidates in the Mukhtearship Examination held in the year 1926-27, *i.e.*, after the introduction of the script system doing away with the names and roll numbers of the candidates;

(*ii*) the number and percentage of Hindu candidates in the examination referred to in (*i*)?

The Hon'ble Mr. A. N. MOBERLY: (*i*) Number of candidates, 397. Number of passed candidates, 58. Percentage of success, 14·6.

(*ii*) Number of candidates, 993. Number of passed candidates, 146. Percentage of success, 14·7.

Accommodation in Chittagong College.

*12. **Maulvi SYED MAQBUL HUSAIN:** Will the Hon'ble Minister in charge of the Department of Education be pleased to state what steps, if any, are being taken to cope with the everincreasing number of students who annually seek admission into the Chittagong Government College?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: A scheme for the provision of additional accommodation in Chittagong College is now under consideration.

Mr. SARAT C. BASU: Is it like the scheme of reconstruction of the Bengal National Bank?

(There were shouts of "Bengal National Bank" and "resign.")

Mr. PRESIDENT: Order, order.

Mr. F. E. JAMES: Is it in order for any hon'ble member to shout insulting remarks to the Hon'ble Minister over a question?

Mr. SARAT C. BASU: Is Mr. James in order to raise this point of order?

Mr. PRESIDENT: I think Mr. James is perfectly in order. In fact I have noticed with much regret that remarks have been made which are not desirable, and I appeal to the members of the House to see that no insulting remarks are made against the Hon'ble Minister.

Mr. SARAT C. BASU: On a point of information, Sir. We do not understand what you mean by the expression "desirable."

Mr. PRESIDENT: What I mean is this. You should pass remarks with regard to the question now before the House and not with regard to matters which have nothing to do with the question. Such observations must be treated as irrelevant and undesirable, too, if they are made to cast reflection on one's character.

Mr. SARAT C. BASU: My question was whether the scheme was on the lines of the reconstruction scheme of the Bengal National Bank.

Mr. PRESIDENT: Can you deny that your question was absolutely irrelevant and ironical?

Mr. SARAT C. BASU: I will put it in this way. Is the scheme similar to the reconstruction schemes of the Bengal National Bank?

Mr. PRESIDENT: I do not allow that question.

Additional Lectureship in English in Chittagong College.

***13. Maulvi SYED MAQBUL HUSAIN:** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether the Government are considering the desirability of making the additional Lectureship in English at the Chittagong Government College permanent?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) and (*b*) The post has been made permanent with effect from the 1st March, 1927.

Deceased détenu Shibsankar Brahmachary.

***14. Srijut JOGENDRA NATH MOITRA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether he was aware of the death of détenu late Shibsankar Brahmachary of the Pabna town?

(*b*) Has the attention of the Hon'ble Member been drawn to a number of petitions made by the afflicted parents for financial help after the death of their eldest son who was looked upon as the mainstay of the family?

(*c*) If so, are the Government contemplating giving them financial help?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Yes.

(*b*) Yes.

(*c*) Government have already made a grant of money towards the expenses of the *sradh* ceremony of the deceased, and do not consider that any further grant should be made.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state when he was made aware of the death of Shibsankar Brahmachary?

The Hon'ble Mr. A. N. MOBERLY: I cannot give the exact date without reference to the file.

Mr. SUBHAS CHANDRA BOSE: I want information as to the time of the death and the time the Hon'ble Member was made aware of the fact of his death.

The Hon'ble Mr. A. N. MOBERLY: As I have said, I cannot answer without referring to the file.

Mr. SUBHAS CHANDRA BOSE: Are the Government contemplating the continuance of financial help to the deceased's family?

The Hon'ble Mr. A. N. MOBERLY: I must ask for fresh notice.

Babu JOGINDRA CHANDRA CHAKRAVARTI: How much money was granted for the *sradh* ceremony?

The Hon'ble Mr. A. N. MOBERLY: I cannot say offhand.

Mr. SUBHAS CHANDRA BOSE: Do not Government think it their duty to provide for the family?

Mr. PRESIDENT: You cannot put that question. It is asking for an expression of opinion and is a veiled request for action too.

Landing stage for Sandwip Station.

*18. **Babu SATYENDRA CHANDRA GHOSH MAULIK:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware of the inconvenience of the people of Sandwip, specially in the rainy season, owing to the absence of a proper landing stage at the Sandwip steamer station?

(*b*) Are the Government considering the desirability of drawing the attention of the steamer company to this matter?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir James Donald): (*a*) and (*b*) There is a certain amount of inconvenience owing to the absence of a fixed landing stage at the Sandwip steamer station, but this is due to very heavy seas being experienced throughout the monsoon season, rendering it impossible for the Chittagong vessels to berth alongside the bank. The steamer company, whose attention has been drawn to the matter, report that special facilities have been provided for the embarkation and disembarkation of passengers by means of a specially fitted pontoon alongside which the Chittagong steamers call.

Babu SATYENDRA CHANDRA GHOSH MAULIK: Does the steamer company allow any remission of fare for compelling passengers to go through these inconveniences?

The Hon'ble Sir JAMES DONALD: I am afraid I do not know what the steamer company do. I must ask for notice.

Shed at Rajbari station platform.

*16. **Dr. KUMUD SANKAR RAY:** (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware of the inconvenience caused to the passengers for want of a shed in the platform at the Rajbari railway station, especially during the rainy seasons?

(*b*) Are the Government considering the desirability of providing a suitable shed at the Rajbari railway station platform?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (RAILWAYS) (the Hon'ble Sir James Donald): (*a*) The answer is in the negative.

(*b*) It is understood that covered sheds are being provided at more densely crowded junction stations where passengers have long waits for connecting trains. After these have been provided, consideration will be given to less important junctions such as Rajbari in their relative order of urgency.

Dr. KUMUD SANKAR RAY: How many sheds were provided for last year?

The Hon'ble Sir JAMES DONALD: I cannot say. Railways are not our concern and we can only give replies from information supplied to us.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Member contemplating to put any machinery into force by which Government can compel railway and steamer companies to remove these inconveniences?

The Hon'ble Sir JAMES DONALD: This is a central subject, and I cannot answer it here.

Garden of the Bengal Government Press at Alipore.

*17. **Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is a fact that the Bengal Government Press at Alipore has within its compound a garden yielding an annual crop of vegetables?

(*b*) Is it a fact that coolies are employed to look after the garden at the expense of the Government?

(*c*) If so, will the Hon'ble Member be pleased to lay on the table a statement showing the money realized from the sale of the produce of the garden as well as the cost of maintaining the coolies from 1923 to 1926, year by year?

(*d*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state who are the men who work in the garden?

The Hon'ble Sir JAMES DONALD: (*a*) Vegetables are grown in a portion of the compound of the Press.

(*b*) The whole compound, including the portion on which vegetables are grown, is kept up by two *malis* assisted by such coolies as can be spared (from time to time) from other work.

(*c*) The produce is not sold but is enjoyed by the Press staff generally. No record is kept of the time spent by the coolies on the garden.

(*d*) Does not arise.

Dr. KUMUD SANKAR RAY: With regard to answer (*c*), I should like to know whether vegetables are supplied to all or to some particular officers?

The Hon'ble Sir JAMES DONALD: To all the press staff.

Platforms at stations on the Central Section of the Eastern Bengal Railway.

*18. **Mr. D. N. ROY:** (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that on the Khulna Section of the Eastern Bengal Railway the platforms at most of the stations, specially at the important stations like Baraset Junction, Bongaon Junction, Jessore Junction, Singia, Daulatpur, Khulna, etc., are so low that it is very inconvenient and difficult to get in and out of trains?

(*b*) Are the Government considering the desirability of taking steps to raise the platforms referred to in (*a*) to the same height as, for example, at the Dum Dum Junction?

The Hon'ble Sir JAMES DONALD: (*a*) No.

(*b*) Government do not propose to move in the matter. There is an Advisory Committee to which the member may refer.

Platform on the broad-gauge side of the Siliguri Station.

*19. **Mr. D. N. ROY:** (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that at the Siliguri station—

(*i*) the platform on the broad-gauge side is too low for the high coaches of the Eastern Bengal Railway; and

(*ii*) that it is very inconvenient and often very difficult, especially for ladies and children, to get in and out of the Eastern Bengal Railway trains?

(*b*) Are the Government contemplating taking steps to raise the platform on the broad-gauge side of the Siliguri Station in accordance with the height of the Eastern Bengal Railway carriages, *e.g.*, to the same level as the platforms at the Dum Dum Junction?

(*c*) If the answer to (*b*) is in the affirmative, when is the work likely to commence?

The Hon'ble Sir JAMES DONALD: (*a*) (*i*) and (*ii*) The answers are in the affirmative.

(*b*) and (*c*) The Railway authorities are taking steps to raise the broad-gauge side of the platform in conjunction with alterations to the bedding. It is anticipated that the work will be completed within two years.

Bengali political prisoners outside Bengal.

*20. **Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the reasons for transferring Bengali political prisoners from Bengal to prisons outside Bengal;

(*ii*) who is responsible for these transfers;

(*iii*) which Government is responsible for the treatment of the Bengali political prisoners who are detained in the various jails outside Bengal;

(*iv*) the names of the prisoners detained outside Bengal;

(*v*) the names of the places of their detention;

(*vi*) how many of such prisoners are suffering from acute disease and breakdown of health; and

(*vii*) what arrangements have been made to supply such prisoners with food to which they are accustomed?

(*b*) Is the Hon'ble Member aware of the great difficulty experienced by the prisoners of having interviews with their relatives?

(*c*) If so, are the Government considering the desirability of allowing these prisoners more facilities for writing letters?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) Such prisoners belong to three classes:—

(*1*) Those convicted by a criminal court of offences believed to have been committed with a political motive.

(*2*) State prisoners under Regulation III of 1818.

(*3*) Persons committed to custody in jail under section 11 of the Bengal Criminal Law Amendment Act, 1925.

The reasons for the transfers vary according to the class of prisoner and according to the circumstances of individual cases, and Government are not prepared to publish those reasons.

(*ii*) The transfers have been made at the instance of the Government of Bengal; in the case of convict prisoners with the previous sanction of the Governor-General in Council under section 29 (*1*) of the Prisoners Act, 1900, in the case of State prisoners by the issue of revised warrant under Regulation III of 1818 by the Government of India, and in the case of détenus by order passed by the Government of Bengal, with the previous sanction of the Government of India, under section 11 (*1*) of the Bengal Criminal Law Amendment Act, 1925, read with section 4 of the Bengal Criminal Law Amendment (Supplementary) Act.

(*iii*) Generally speaking, the local Government in whose province the prisoner is confined. But in the case of State prisoners the instructions for their treatment have to be approved, and the allowances sanctioned, by the Government of India, and in the case of détenus under the Bengal Criminal Law Amendment Act, the allowances are sanctioned by the Government of Bengal.

(*iv*), (*v*) and (*vi*) Government are not prepared to publish this information.

(*vii*) As regards State prisoners and détenus, Government have addressed the different local Governments with a view to securing for them, as far as practicable, comforts and privileges similar to those allowed in Bengal jails.

(*b*) Yes.

(*c*) No. As regards the transferred convicts, the Government of Bengal have no authority to grant them special privileges while they are in jails in other provinces. As regards State prisoners and détenus, Government are of opinion that the number of letters generally permissible, namely, four a week in Burma, Bombay and the Punjab, and three elsewhere, is sufficient in ordinary circumstances.

4-30 P.M.

Mr. J. M. SEN GUPTA: In pursuance of the answer given to (*a*) (*i*), may I ask the Hon'ble Member the reasons for not disclosing the reasons for the transfer of detenus of Bengal to other provinces?

The Hon'ble Mr. A. N. MOBERLY: The reasons vary in different cases and Government are not prepared to discuss the cases of individual detenus.

Mr. J. M. SEN GUPTA: Will the reasons for transferring these detenus to other provinces be prejudicial to the reputation of the Government of Bengal?

The Hon'ble Mr. A. N. MOBERLY: I am afraid I do not understand the question which appears to ask for an expression of opinion.

Mr. SUBHAS CHANDRA BOSE: With reference to (*a*) (*iii*), (*iv*), (*v*) and (*vi*), will the Hon'ble Member be pleased to state why he is not prepared to publish these informations?

The Hon'ble Mr. A. N. MOBERLY: Because we never publish information regarding individual detenus.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state why he is not prepared to make a statement regarding the health of the detenus who are suffering from acute diseases?

The Hon'ble Mr. A. N. MOBERLY: Because that is a matter only between the Government and the detenus and their families and not a matter for public discussion.

Mr. SUBHAS CHANDRA BOSE: Do the Government really think that the public have no interest in these detenus?

Mr. PRESIDENT: I think that is a matter of opinion. You cannot insist upon an answer on that point.

Mr. SUBHAS CHANDRA BOSE: Does the Hon'ble Member think that the publication of the information will be prejudicial to the public safety?

Mr. PRESIDENT: That is again a matter of opinion, and I do not know if the Hon'ble Member will answer the question.

The Hon'ble Mr. A. N. MOBERLY: I understand such questions are not admissible.

Rai HARENDRANATH CHAUDHURI: Sir, in his reply the Hon'ble Member says: "We are not prepared to give such information. Such an answer cannot be made under the rules."

Section 32 lays down that question shall be put and answers given in such a manner as the President may in his discretion determine, that is to say, an answer must be given to question asking for information.

Mr. PRESIDENT: But the question must first be in order and it is for the President to decide whether a particular question is in order or not. The question to be in order must be in proper form. Mr. Bose's question was one which asked for an expression of opinion. It was not a *bonâ fide* request for information.

Rai HARENDRANATH CHAUDHURI: Do I understand your ruling to be that even when questions are considered by you to be in order, they may not be answered and informations may not be given?

Mr. PRESIDENT: How do you arrive at that? However, I may tell you that not unless there are reasons of State.

Rai HARENDRANATH CHAUDHURI: But it is not contemplated in the rule.

Mr. PRESIDENT: It is implied in the rule. In any case, so far as a supplementary question is concerned, the President cannot compel a Member of the Government to give an answer unless an exceptional case has been made out.

Rai HARENDRANATH CHAUDHURI: But when he answers that, Government are not prepared to give the information—is that to be taken as an answer?

The Hon'ble Sir JAMES DONALD: May I submit, Sir, that according to the rules it is an answer.

Mr. SUBHAS CHANDRA BOSE: Are the Government aware that a good deal of interest is taken by the public in the health of the detenus?

The Hon'ble Mr. A. N. MOBERLY: Yes.

Babu AKHIL CHANDRA DATTA: On a point of order, Sir. With reference to what Sir James Donald has said, if Government say "We do not propose to answer that question," will that be taken as an answer?

Mr. PRESIDENT: I think that is an answer. I have already given you my ruling on that point and even if that ruling is not palatable to you, I hope you will obey it.

Babu AKHIL CHANDRA DATTA: Have not the members of the House got their right to express their disapprobation?

Mr. PRESIDENT: Certainly they have. I will always welcome fair and reasonable discussion, but that must be in a form which is commendable to me.

Mr. SUBHAS CHANDRA BOSE: May I ask you whether you are aware that Legislatures in India, including this Legislature, are much more tame than Legislatures in free and democratic countries?

Mr. PRESIDENT: I would like to see this Legislature full of life. But at the same time every Legislature ought to know how to conduct a debate without being offensive.

Mr. SUBHAS CHANDRA BOSE: With reference to (*b*) and (*c*), is the Hon'ble Member aware that a certain gentleman who had previous permission of the Government of Bengal and the Government of Burma to interview me in Insein Jail was not allowed to interview me?

The Hon'ble Mr. A. N. MOBERLY: I was not aware of it, and unless I am given details I cannot answer the question.

Mr. SUBHAS CHANDRA BOSE: I will give the Hon'ble Member his name. He is Mr. S. N. Ghoshal. Am I to understand that the Hon'ble Member is not aware that that gentleman having been granted permission was refused to see me in Insein Jail?

The Hon'ble Mr. A. N. MOBERLY: I have no personal information about the matter.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member please make inquiries why he was refused and by whom?

The Hon'ble Mr. A. N. MOBERLY: That is a request for action.

Mr. PRESIDENT: This question has already taken a long time, and I would ask Secretary to call out the next question (Dr. J. M. Das Gupta having risen in his seat).

Mr. PRESIDENT: The Secretary has already called out the next number. You have lost your opportunity of putting any further question.

Mr. SARAT C. BASU: Has the Secretary called out the next number at his own initiative?

Mr. PRESIDENT: I asked the Secretary to call out the next number.

Mr. J. M. SEN GUPTA: On a point of order, Sir. May I point out that before you give your ruling, Dr. Das Gupta tried to draw your attention three times in order to put some supplementary questions. My point is whether the Secretary can call out the next number when Dr. Das Gupta had risen in his seat.

Mr. PRESIDENT: It may be that he did not catch my eye.

Survey operations in Chittagong.

*21. **Khan Sahib ABDUS SATTAR:** Will the Hon'ble Member in charge of the Department of Revenue be pleased to state—

(*i*) how far was the last survey in Chittagong found to have been correct; and

(*ii*) what arrangement is being made to meet the cost of the survey operations begun there?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*i*) The maps were good, but the records were compiled in an imperfect form.

(*ii*) Government will bear the whole cost for Noabad lands. As regards lands permanently settled the landlords and tenants will, as usual, pay between them three-quarters of the cost and Government the rest, if the lands were omitted from the previous survey. If the lands were surveyed before, the landlords and tenants will bear the whole cost.

Holidays.

***22. Srijut NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Member in charge of the Department of Finance aware of the existence of a certain amount of discontent owing to the curtailment of Hindu and Muhammadan holidays?

(*b*) Do the Government intend to increase the present number of holidays under executive orders for the *Durga Puja* festival?

The Hon'ble Sir JAMES DONALD: (*a*) No. There has been no curtailment.

(*b*) No.

Srijut NAGENDRA NATH SEN: Is not this reply contradictory to the reply to question No. 4 previously given?

Mr. PRESIDENT: That is a matter of opinion.

Srijut NAGENDRA NATH SEN: I would put it in this way: Which is correct—the answer to question No. 4 or the answer to question No. 22?

The Hon'ble Sir JAMES DONALD: Question No. 4 deals with Civil Court holidays under the High Court; this question has reference to executive holidays.

Srijut NAGENDRA NATH SEN: Is there any reference in question No. 4 to Civil Court holidays?

The Hon'ble Sir JAMES DONALD: This answer refers to holidays under executive order as the heading shows question 4 relates to Civil Court holidays.

Bhairab river.

*23. **Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what steps, if any, are being taken to dredge the river Bhairab between Alaipur and Jatrapur in the Khulna district?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, are being taken to canalise the portion of the river in the district of Jessore?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) A project for the improvement of the river between Alaipur and Jatrapur has been sanctioned.

(*b*) A project for flushing the Bhairab from Taherpore to its mouth at the Afra Khal has been sent to the Collector who is taking action under the Bengal Agricultural and Sanitary Improvement Act, 1920 (Bengal Act VI of 1920).

Khal below Satkhira.

*24. **Srijut NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the *khal* below Satkhira in the Khulna district is rapidly silting up?

(*b*) Is the Hon'ble Member also aware that the sanitation and trade of the town and of the surrounding villages are suffering in consequence of deterioration of the *khal*?

(*c*) What steps, if any, do the Government intend taking in the matter?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Government are aware that the Satkhira khal has deteriorated, but not rapidly.

(*b*) Yes.

(*c*) An estimate for silt clearance is under preparation, which, when received, will be forwarded to the Collector for action under the Bengal Agricultural and Sanitary Improvement Act, 1920 (Bengal Act VI of 1920).

All-India Press Employees' Conference.

*25. **Babu SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether the Government have received a copy of the proceedings of the All-India Press Employees' Conference held on 26th and 27th June, 1926?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table copies of resolutions Nos. 5, 7, 11, 12 and 21 passed in the said Conference indicating thereon the steps, if any, taken by the Government to give effect to those resolutions?

The Hon'ble Sir JAMES DONALD: (*a*) Yes.

(*b*) No steps have been taken.

Babu SURENDRA NATH BISWAS: May I ask why no steps have been taken?

The Hon'ble Sir JAMES DONALD: I have already explained in this Council that our employees should come to us direct and not through this Conference before we can contemplate taking any steps.

Receipts and expenditure under the head "Administration of Justice" in 1926-27.

*26. **Babu JOGINDRA CHANDRA CHAKRAVARTI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state the total actual receipts and expenditure under the head "Administration of Justice" in 1926-27?

The Hon'ble Mr. A. N. MOBERLY: Total receipts in 1926-27 up to March 1927—Preliminary, Rs. 14,74,301-11.

Total expenditure in 1926-27 up to March 1927—Preliminary, Rs. 1,08,28,118-4-7.

Babu AKHIL CHANDRA DATTA: Is it the policy of Government to make profits out of this business?

The Hon'ble Mr. A. N. MOBERLY: It does not look like it.

Forfeiture of all copies of the Bengali Novel "Pather Dabi."

*27. **Rai HARENDRANATH CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether any legal opinion was consulted before issuing the Notification No. 103 P., dated the 4th January, 1927, forfeiting all copies of the Bengali Novel "Pather Dabi" written by Srijut Sarat Chandra Chattopadyaya?

(*b*) If so, whose opinion was consulted?

(*c*) Will the Hon'ble Member be pleased to state whether the Advocate-General is consulted in such cases?

(*d*) If the answer to (*c*) is in the negative, what are the reasons therefor?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*), (*c*), (*d*) Government are not prepared to give this information.

Rai HARENDRANATH CHAUDHURI: Is this reply consistent with section 72, standing order 17?

Mr. PRESIDENT: I would refer you to my ruling. I think that covers this.

Babu JITENDRALAL BANNERJEE: If this information is disclosed, will it overthrow the British Government as established by law and order.

Mr. A. C. BANERJEE: May I ask if the activities of Government always fight best in darkness?

Mr. PRESIDENT: Order, order.

Fares of inland steamer service from Barisal to Hularhat.

***28. Mr. JOGESH CHANDRA GUPTA:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware that one Babu Gopal Chandra Biswas, Pleader, Barisal, instituted a suit in the Court of the 4th Munsif at Barisal for refund of fare alleged to be illegally and improperly charged from him by the India General Navigation and Railway Company, Limited, and Rivers Steam Navigation Company, Limited, with reference to a journey performed by him on the 19th January, 1926, from Hularhat to Barisal?

(*b*) Is the Hon'ble Member also aware that the suit was decreed *ex parte* with costs?

(*c*) Have the Government got a copy of the plaint and order-sheet in the above suit which was sent on the 23rd March, 1927, to the address of the Secretary in the Marine Department by Mr. I. B. Gupta, Secretary to the Standing Committee, to see to the redress of steamer passengers' grievances at Barisal?

(*d*) If so, what steps, if any, have the Government taken in the matter?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Member be pleased to state whether Government intend to take any action in the matter?

The Hon'ble Sir JAMES DONALD: (*a*), (*b*) and (*c*) The Local Government have been so informed by Mr. I. B. Gupta in the letter referred to.

(*d*) and (*e*) None. Government cannot interfere.

Mr. JOGESH CHANDRA GUPTA: If a private party has realised the excess fare taken by the steamer company, cannot the Government realise the excess fare paid by its officers?

The Hon'ble Sir JAMES DONALD: I do not understand the question. I must ask for fresh notice.

Transfer of thana Raninagore in the Murshidabad district from Sadar to Lalbagh subdivision.

*29. **Khan Bahadur Maulvi EKRAMUL HUQ:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether representations have been received from the people of thana Raninagore in the district of Murshidabad protesting against the transfer of that thana from Sadar to Lalbagh subdivision?

(*b*) Is it a fact that Lalgola thana which was in the Jangipur subdivision of the Murshidabad district has recently been transferred to Lalbagh subdivision?

(*c*) Are the Government considering the desirability of revising the order of transfer of the Raninagore thana?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Representations protesting against the transfer were received from some residents of the thana.

(*b*) The transfer took place in 1921.

(*c*) No.

Pay and prospects of the ministerial officers of Bengal.

*30. **Maulvi SHAMSUR-RAHMAN:** (*a*) Is the Hon'ble Member in charge of the Department of Finance aware that in July last a conference was held in the Writers' Buildings to consider about the improvement of the pay and prospects of the ministerial officers of Bengal?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, are going to be taken to remove the grievances of the ministerial officers as pointed out in the said conference?

The Hon'ble Sir JAMES DONALD: (*a*) Yes.

(*b*) The matter is under consideration.

Maulvi SHAMSUR-RAHMAN: Will the Hon'ble Member give us an idea as to when this matter will be considered?

The Hon'ble Sir JAMES DONALD: I cannot say. The papers are on my table and I shall deal with them as soon as possible.

Khan Bahadur Maulvi AZIZUL HAQUE: Can he give us the approximate time?

Mr. PRESIDENT: The Hon'ble Member has already said that he would take it up as soon as possible.

Unstarred Questions

(answers to which were laid on the table).

Meston Settlement.

1. **Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh:** (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state when the Government of India was last addressed on the question of revision of the Meston Settlement?

(*b*) Will the Hon'ble Member be pleased to state whether the attention of the Government of India was drawn to the defective working of Devolution Rule No. 15?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the dates of the correspondence?

(*d*) Has the attention of the Hon'ble Member been drawn to the last Budget speech of Sir Basil Blackett in which he mentions the representations made by the Government of Bombay regarding its financial difficulties, but there is no mention of any such representations from the Government of Bengal?

The Hon'ble Sir JAMES DONALD: (*a*) In October, 1926.

(*b*) Yes.

(*c*) The last communication was on 2nd October, 1926.

(*d*) Yes.

Recruitment by competitive examination to services in Co-operative Department.

2. Mr. SYED MD. ATIQULLAH: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether it has been decided that recruitment for services, in the Co-operative Department will be by competitive examination in future?

(*b*) If so, will the Hon'ble Minister be pleased to state from which date it will be given effect to?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): (*a*) Yes.

(*b*) The date has not yet been fixed.

Chaukidari tax in flood-stricken Sabang Thana.

3. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the people of the flood-stricken area of the Sabang Thana in the Tamluk subdivision are also affected like those of Bhagabanpur Thana in the Contai subdivision?

(*b*) Is the Hon'ble Member aware that the people of the Sabang Thana do not get any remission of the chaukidari tax?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reason for this differential treatment?

(*d*) Are the Government contemplating to grant remission of chaukidari tax to the people in the flood-stricken area of Sabang Thana?

The Hon'ble Mr. A. N. MOBERLY: (*a*) In Sabang Thana which is in the Sadar subdivision five unions and one or two villages in another union were affected by the flood of 1926 as against the whole of the area of Bhagabanpur Thana. There was not a complete failure of the *boro* crop in Sabang as there was in Bhagabanpur and recovery was much quicker.

(*b*) Yes.

(*c*) For the reason given in (*a*) above.

(*d*) Inquiries are being made for the purpose of ascertaining whether remission of the chaukidari tax this year is necessary or desirable.

Gambling in the Contai subdivision.

4. Babu PROMOTHA NATH BANERJEE: (*a*) Is the Hon'ble Member in charge of the Police Department aware that the Contai subdivision has been infested with gamblers?

(*b*) If so, are the Government considering the desirability of extending the Bengal Public Gambling Act, 1867 (Bengal Act II of 1867), to the Contai subdivision at an early date?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Reports have been received that gambling is prevalent in the subdivision.

(*b*) A proposal to extend the Act to the Contai subdivision is under consideration.

Non-official jail visitors.

5. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether there is any rule preventing non-official jail visitors from visiting political prisoners?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state –

(*i*) how long that rule is in force, and

(*ii*) the reasons for such rule?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) No. Every class of prisoner, whether political or not, is, according to rule, to be visited by non-official visitors. For certain classes of prisoners, special visiting committees are provided.

(*b*) Does not arise.

4-45 P.M.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that in no jail in Bengal or Burma in which I had the honour to live any non-official visitor was allowed to visit me?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I am not aware of that fact.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware of the fact that Maharaj Kumar Srish Chandra Nandi, who is a member

of the Legislative Council and also a non-official visitor, wanted to visit the detenus in the Berhampore Jail towards the end of 1924 and the beginning of 1925, and that he was not allowed to visit them on the ground that he was not a special visitor appointed for visiting political prisoners?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I cannot answer offhand. I should like to look into the file.

Mr. J. M. SEN GUPTA: Are there any special rules not known to the Council regulating the appointment of special visitors to visit persons detained under Regulation III or under the Bengal Criminal Law Amendment Act?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: There are rules on the subject.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state the purpose of appointing special visitors, if ordinary non-official visitors can be allowed to visit political prisoners?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Because they are not ordinary prisoners.

Mr. S. C. BOSE: Is the Hon'ble Member aware that Mr. Debendra Lal Khan, a member of this Council and a non-official visitor of the Midnapur Jail, was not allowed permission last year to visit the political prisoners detained there?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have had no complaint on the point.

Mr. S. C. BOSE: Is the Hon'ble Member aware that Mr. Debendra Lal Khan, thereupon resigned his position of non-official visitor as a protest?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I am not aware of that fact.

Babu DEBENDRA LAL KHAN: I wrote to the Commissioner stating the fact.

Srijut NAGENDRA NATH SEN: Is it a fact that the permission of the District Magistrate has to be obtained before a non-official visitor is allowed to visit a political prisoner?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Unless the gentleman is a special visitor, I cannot see how he can be allowed to visit a political prisoner.

Mr. JOGESH CHANDRA GUPTA: What are the qualifications necessary for a person to be appointed a special visitor in addition to his being a member of this Council?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Special visitors are appointed on the recommendation of the local officers of Government who know who are the proper persons to be so appointed.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state under what rule or rules permission is necessary for a non-official who is a member of this Council to interview political prisoners in jail?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I would ask for notice of this question.

Mr. S. C. BOSE: Is the Hon'ble Member aware of the fact that Mr. Debendra Lal Khan, on being refused permission, wrote to the Commissioner of the Division asking for permission, and even then permission was refused?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I am not aware of that fact.

Babu DEBENDRA LAL KHAN: Will the Hon'ble Member be pleased to state whether it is not a fact that Radhabinode Pal, who is a non-official visitor, was allowed to visit political prisoners?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I must confess that I could not have possibly anticipated that so many supplementary questions would be asked; I have not got all the files with me here.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to make a further enquiry into the accuracy of the reply to question (*a*)?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The answer is quite accurate.

Mr. S. C. BOSE: Are there any members of this House who are described as special visitors?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I cannot say anything offhand on that point.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware whether the Jail Code makes any distinction between political and ordinary prisoners?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I cannot answer this question offhand.

Mr. PRESIDENT: I should not allow any more supplementary questions, for the simple reason that the Hon'ble Member has already explained that he has not got all his files before him. I do not think, therefore, that it would be fair to put further questions to him.

Dr. J. M. DAS GUPTA: If Members of Government forget to bring their files here, how are we to get any information we desire on the subject?

Mr. PRESIDENT: This is an exceptional circumstance. The Hon'ble Member could not realise that so many supplementary questions would be put to him. The questions are on the paper and the main answers are given there. But you cannot expect the Hon'ble Member to answer all supplementary questions offhand. I have already decided not to allow any more supplementary questions.

Dr. J. M. DAS GUPTA: Is it in order to request the Hon'ble Member in charge of Jails to issue a statement giving all details in the near future?

Mr. PRESIDENT: You have not put the question in proper form. You should have asked whether he contemplates to issue a statement on the subject in the near future, but you have not done so. In a question, you cannot request for action.

Sale of certain books in open market.

6. Babu BEJOY KRISHNA BOSE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the following books are openly sold in the market:—

(1) R. C. Dutt's "Economic History of British India."

(2) Mr. Digby's "Prosperous British India."

(3) Mr. Digby's "India for Indians."

(4) Report of the Industrial Commission.

(5) R. C. Dutt's "History of British India."

(6) Arnold Toynbee's "Industrial Revolution of the 18th century."

(7) Lord Morley "On Compromise."

(8) Major Evans-Bell "Our Vassal Empire."

(9) Sir Charles Dicke's "Problems of Greater Britain."

(10) J. S. Mills "Representative Government."

(11) Mr. Bryan's "India under Great Britain."

(12) Torren's "Empire in Asia."

(13) Professor Amos' "Politics."

(14) A. Nooroji's "Poverty and un-British Rule in India."

(15) Mill's "History of India" by J. Wilson.

(16) Montgomery Martin's "Eastern India."

(17) Professor Seeley's "Expansion of England"

(18) Bertrand Ruosel's "Roads to Freedom."

(19) Kier Hardie's "India."

(20) Lecky's "History of England in the 18th Century."

(21) H. H. Wilson's "History of British India."

(22) Brooks-Adam's "Law of Civilisation and Decay."

(23) William Bolt's "Consideration of Indian Affairs."

(24) Major B. D. Bose's "Ruin of Indian Trade and Industries."

(25) Herbert Spencer's "Social Status."

(26) Reports of the House of Commons Select Committees on the Administration of India during the regime of the Board of Directors of the East India Company?

(*b*) Are the books referred to in (*a*) proscribed? If not, why not?

The Hon'ble Mr. A. N. MOBERLY: (*a*) The Government of Bengal have no information on this point.

(*b*) No. It has not been found necessary to proscribe them.

Occupancy rights to under-raiyats.

7. Babu JOGINDRA CHANDRA CHAKRAVARTI: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a statement showing for Bengal—

(*i*) the number of landholders paying Government revenue;

(*ii*) the number of tenure-holders;

(*iii*) the number of occupancy raiyats; and

(*iv*) the number of under-raiyats?

(b) Which are the districts in which cadastral survey operations have already been completed?

(c) Will the Hon'ble Member be pleased to state in which of these districts under-raiyats have been recorded as having acquired occupancy rights by custom?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) Figures not available.

(*b*) Bakarganj, Bankura, Bogra, Chittagong, Dacca, Faridpur, Jalpaiguri, Jessore, Khulna, Midnapore, Mymensingh, Nadia, Noakhali, Pabna, Rajshahi and Tippera.

(*c*) Some of the under-raiyats in the following districts have been recorded as having occupancy rights by local custom: Bankura, Bogra, Faridpur, Jessore, Khulna, Midnapore, Mymensingh, Nadia, Noakhali, Pabna, Rajshahi and Tippera.

Industrial Chemist.

8. **Mr. C. C. COOPER:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state on what date the laboratory for the Chemist under the Department of Industries was ready?

(*b*) Whether since his appointment the Chemist has produced any work or programme of work?

(*c*) If so, will the Hon'ble Minister be pleased to lay on the table a statement of the work or programme of work by the Chemist?

(*d*) What is the cost to date on the laboratory erected for the Chemist?

(*e*) Does the value of the output of work of the Chemist and Assistant Chemist equal the expenditure on the laboratory and their salaries?

(*f*) If the answer to (*e*) be in the negative, have Government considered abolishing these posts and closing down the laboratory?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) In March, 1927.

(*b*) Yes.

(*c*) The member is referred to paragraph 33 of the Annual Report of the Industries Department for 1926, as also to the references in these annual reports from 1922 onwards to the work done by the Industrial Chemist.

(*d*) Rupees 64,830.

(*e*) It is not possible to state in terms of rupees the value of the output of work of the Chemist and Assistant Chemist in relation to the expenditure on the laboratory and their salaries.

(*f*) Government considered the question of retaining the Industrial Chemist or otherwise on the report of the Retrenchment Committee and decided to retain the post.

Industrial Engineer and Chemist.

9. Mr. C. C. COOPER: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether Government propose to take action on the recommendation of the Retrenchment Committee for abolishing the posts of the Engineer and Chemist under the Department of Industries?

(*b*) If the answer to (*a*) is in the negative, what is the practical or monetary advantage in disregarding the recommendation?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) Government after full consideration of the Retrenchment Committee's report decided more than 2 years ago to retain the posts of Industrial Engineer and Industrial Chemist. They do not at present intend to reconsider the matter.

(*b*) It is not possible to state the advantage gained by this policy in monetary terms. The practical advantage is that trained expert advice on questions arising in connection with industries is available to the public.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state if the Industrial Engineer and Chemist has already done anything tangible to make foreign traders apprehensive?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I have no information on the point.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state whether the information asked for will be obtained from him or from his personal assistant, Mr. A. Jalil?

Mr. PRESIDENT: I think such a question should not be put.

Industrial Engineer.

10. Mr. C. C. COOPER: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to

state what are the qualifications of the Advisory Engineer in the Department of Industries?

(*b*) Has he served his time or been employed in any reputable engineering works in India to gain practical knowledge and experience of industrial engineering in India?

(*c*) If he was so employed, will the Hon'ble Minister be pleased to state the works in which he was employed and for how long?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) There is no such officer described as Advisory Engineer in the Department of Industries.

If, however, the Industrial Engineer is meant, then the present incumbent holds the B.Sc. degree in Mechanical Engineering of the London University. He gained practical experience in the service of Messrs. Ruston and Hornsby, Limited, Lincoln, whose work embraces a considerable range of Mechanical Engineering.

(*b*) The answer is in the negative.

(*c*) This part of the question does not arise.

Babu NALINIRANJAN SARKER: Is it a fact that the Industrial Engineer is showing great industry in securing votes for the Hon'ble Minister?

Mr. PRESIDENT: I do not think that I should allow that question.

Calcutta Research Tannery.

11. Mr. C. C. COOPER: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) how many students have been entered on the rolls since the inception of the Bengal Tanning Institute (Calcutta Research Tannery);

(*ii*) how many students have completed the course since the inception of the Institute *to have qualified under the final examination;*

(*iii*) the daily average number of students in regular attendance during the six months ending 30th June, 1927;

(*iv*) what is the length of time a student spends in training at the Institute to qualify himself to sit *for the final examination;*

(*v*) what proportion of the time is spent by the students—

(*1*) on practical work in the Tannery; and

(*2*) on theoretical or chemical work in the laboratory?

(*b*) Is it a fact that the majority of students spend the bulk of their time in the laboratory?

(*c*) How many workmen (other than students) are employed daily doing the practical work in the Tannery?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) A statement furnishing the information is laid on the table.

(*b*) No.

(*c*) Eight workmen on the average of the last six months.

Statement referred to in answer to unstarred question No. 11 (a).

Number of students on the rolls of the Bengal Tanning Institute since its inception—76 (up to 31st July, 1927).

Number of students who completed the course of the Institute since its inception *to have qualified under the final examination*—37.

Daily average, number of students of the Institute in regular attendance during the six months ending 30th June, 1927—14.

Length of time spent by a student in training at the Institute to qualify himself to sit *for the final examination*—2 years.

Proportion of time spent by the students—

(1) On practical work in the Tannery—1 year.

(2) On theoretical or chemical work in the laboratory—1 year.

Superintendent of Calcutta Research Tannery.

12. Mr. C. C. COOPER: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that the Superintendent of the Bengal Tanning Institute (Calcutta Research Tannery) is employed by Messrs. Martin and Company as Manager of their Tannery on about the same pay as he receives from Government?

(*b*) How many hours a day does the Superintendent regularly devote to his duties in connection with the institution?

(*c*) Has the Superintendent a regular set programme of hours of attendance at the institution?

(*d*) If so, what is the programme?

(*e*) If the answer to (*c*) is in the negative, what are the hours of attendance of the Superintendent?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (a) Yes; he is a part time officer of Government.

(b) Four hours on an average.

(c) No.

(d) The question does not arise.

(e) The Superintendent attends generally from 11 A.M. to 12 noon and again in the afternoon from 3 to 7 P.M. (occasionally up to 8 P.M.) every day, except Saturdays.

On Saturdays he delivers lectures to students from 11 A.M. to 1 P.M. and attends to office work from 2 to 4 P.M.

The National Tannery is next door to the Bengal Tanning Institute and as such he is available for the purposes of his duties at the Bengal Tanning Institute at all times of the day.

Loss of revenue due to abolition of stamp duty on cheques.

13. Maharaja SHASHI KANTA ACHARJYA CHAUDHURI of Muktagacha, Mymensingh: (a) Will the Hon'ble Member in charge of the Department of Finance be pleased to state what amount has so far been refunded by the Government in respect of unused cheque forms on account of the abolition of stamp duty on cheques?

(b) What is the estimated annual loss of revenue from this source.

(c) Have the Government claimed any compensation from the Government of India for the present and future loss of revenue from this source?

(d) If so, with what result?

The Hon'ble Sir JAMES DONALD: (a) In Calcutta (where the liability mostly arises) the amount so far refunded is Rs. 1,231-12. The figures for the rest of the province are not immediately available.

(b) About Rs. 2½ lakhs.

(c) No.

(d) Does not arise.

Destruction of fry and fry-bearing fish.

14. Babu PROMUTHA NATH BANERJEE: (a) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether any steps have been taken to ascertain whether indiscriminate destruction of fry and fry-bearing fish in the tanks and *jhils* of Bengal is causing gradual extinction of fish?

(b) Are the Government proposing to take any steps at an early date for the prevention of destruction of fry and fry-bearing fish?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) Government has instituted no special inquiries since the publication of Mr. Southwell's Report on Fishery Investigations in 1915. It is difficult, if not impossible, to prove that the fish-supply of Bengal is decreasing, but there is a strong consensus of opinion that this is the case.

(*b*) Government have at present no proposals before them for the prevention of such destruction, but Government would be glad to receive any suggestion from the member for the prevention of the destruction of immature fish and would be prepared to examine any such proposal carefully.

Pay of the teachers of the Dacca Engineering School.

15. Mr. A. C. BANERJEE: Will the Hon'ble Minister in charge of the Department of Education be pleased to state—

(*i*) whether it is a fact that there is a feeling of discontent among the teachers of the Dacca School of Engineering in the Subordinate Educational Service due to the last revision of their pay;

(*ii*) whether it is a fact that the Governing Body of the Dacca School of Engineering recommended for the Subordinate Educational Service teachers of the school a time-scale of pay similar to the Public Works Department Special Upper Subordinate Service (Rs. 80—520), or the Lecturers' grade in the Subordinate Educational Service (Rs. 150—400);

(*iii*) whether it is a fact that Mr. Hornell, late Director of Public Instruction of Bengal, recommended for these teachers a special time-scale of pay with a maximum of Rs. 350; and

(*iv*) whether the Government are considering the desirability of revising the pay of these officers?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*i*) Government is aware that there is a certain amount of discontent among these teachers, but Government have no reason to presume that it is justified in any way.

(*ii*) Yes.

(*iii*) Yes.

(*iv*) Government does not consider it either desirable or necessary to revise again the pay of those officers.

Director of Agriculture, Bengal.

16. Babu BEJOY KRISHNA BOSE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be

pleased to state whether the present Director of Agriculture, Bengal, is a jute and fibre expert?

(b) What research work, if any, has he done?

(c) Did he make any new discovery during the period of his service?

(d) Did he take up the pure line selection work of jute plants? If so, when?

(e) Is it a fact that he declared Kakja Bombai and Chinsura Green to be the heaviest yielders of good jute by comparing the results of different varieties of jute grown under similar conditions of soil and climate?

(f) In what year did he make such announcement, if any?

(g) What useful result, if any, has been published by him with regard to jute since that year?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (a) Yes.

(b) He has carried out research work on the following lines:—

(i) the production of improved and heavy-yielding varieties of jute,

(ii) improved methods of manuring jute,

(iii) effect of moisture on the keeping capacity of baled jute.

(c) Yes.

(d) Yes. About 1910.

(e) Yes. Several races including Kakja Bombai, R. 85, D. 154 and Chinsura Green have been evolved.

(f) Between 1917 and 1920.

(g) No fresh races have since been found which equal in efficiency the races already evolved and so no fresh results have been published.

Actuals of receipts and expenditures under different budget heads for 1926-27.

17. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member in charge of the Department of Finance be pleased to state the actuals of receipts and expenditures under different budget heads for the year 1926-27?

The Hon'ble Sir JAMES DONALD: Final figures showing the actual receipts and expenditures under the several budget heads are not yet available.

Income from registration fees given to Agriculture and Industries Department.

18. Maulvi SYED MAQBUL HUSAIN: Will the Hon'ble Member in charge of the Department of Finance be pleased to state—

(*a*) how much from the income of the Registration Department due to the increased rates of registration fees has been given to the Department of Agriculture and Industries; and

(*b*) how much has the Department allotted from the same under the head "Weaving" in its budget for 1927-28?

The Hon'ble Sir JAMES DONALD: (*a*) and (*b*) All receipts including those from the Registration Department are merged in the general revenues of the province and no allocation of expenditure can be set against any item of receipts.

Revision of pay of Veterinary Assistants of Bengal.

19. Srijut JOGENDRA NATH MOITRA: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that the question of the revision of pay of Veterinary Assistants of Bengal has been under the consideration of Government since the year 1921?

(*b*) Is it a fact that the scale of pay of officers in similar rank and with similar qualifications, who were before placed on analogous grades, has since been raised?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state when a decision is likely to be arrived at in the matter?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) The question has received Government's attention from time to time since the date mentioned and is even now being considered carefully.

(*b*) If the member is referring to Sub-Assistant Surgeons, the answer is in the affirmative.

(*c*) The matter is one of considerable difficulty and it is impossible to fix a positive date when it will be settled.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Minister be pleased to state whether any decision will be arrived at in the matter in the course of the year in regard to question (*c*)?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: am not in a position to fix a date.

Khan Bahadur Maulvi AZIZUL HAQUE: What are the difficulties n the way of setting the very important matter, *viz.*, the poor pay f these officers, when everybody's pay has been revised?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: The answer I have already given is the only answer possible.

Khan Bahadur Maulvi AZIZUL HAQUE: May I draw your ttention to the fact that it is not an answer? The answer to the irst question is that the matter is one of considerable difficulty. Then he second answer is that the Hon'ble Minister is not in a position o give any further information.

Mr. PRESIDENT: Put your point of order as precisely as you an. I cannot permit any discussion over a question or an answer.

Khan Bahadur Maulvi AZIZUL HAQUE: As you are the custodian f our rights and privileges, may I appeal to you? The Hon'ble finister says that the matter is one of considerable difficulty and I sk him what the difficulties are, and he says that the answer that as already been given is an answer to the question.

Mr. PRESIDENT: Well, it depends on circumstances. If I were n that position, I should say what those difficulties were. (Cheers.)

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state whether he is giving his own personal attention and consideration to he matter or has left it to his Personal Assistant, Mr. A. Jalil?

Mr. PRESIDENT: I do not allow that question.

Milch cows and plough cattle.

29. Srijut JOGENDRA NATH MOITRA: (*a*) Is the Hon'ble finister in charge of the Department of Agriculture and Industries ware of the gradual deterioration and falling off in the number of ows in Bengal?

(*b*) If so, will the Hon'ble Minister be pleased to state the reasons or the same?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the number of cattle (cows, bulls, bullock, calves, etc.) laughtered in the last five years in this province?

(*d*) Are the Government considering the desirability of imposing checks on the slaughter of serviceable and efficient cattle?

(*e*) If so, have the Government any proposal to introduce a Bill prohibiting the slaughter of milch and plough cattle and giving statutory power to all local bodies to prevent indiscriminate slaughter of cows?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) Between 1920 and 1926 there was an increase in the number of cows of 263,864.

(*b*) Does not arise.

(*c*) The information is not available.

(*d*) Government do not consider it practicable to interfere in this matter.

(*e*) Does not arise.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Minister be pleased to take immediate steps to get the information required in regard to question (*c*)?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: It is out of order. It is merely a request for action.

(Cries of "Order! Order! Shame! Shame!").

Maulvi ABUL KASEM: Is the Hon'ble Minister entitled to insult a member?

Mr. PRESIDENT: Perhaps the Hon'ble Minister did not mean any insult.

Maulvi ABUL KASEM: He said that it was out of order. I strongly protest against his remark. (Uproar.)

Mr. PRESIDENT: I appeal to you, gentlemen, not to get excited.

Mr. J. M. SEN GUPTA: Members will not get excited if you hold the balance even, though the other party may be the ministerial party.

(Cries of "Withdraw, withdraw.")

Mr. PRESIDENT: Order, order; you should not go beyond your limits. I am authorised to say that what the Hon'ble Minister wanted to say is that he was not in a position to answer that question unless

declared it admissible. That amounts to a withdrawal of such remarks of his as could create the impression that he was arrogating to himself the authority which belongs to the Chair alone.

(Cries of "Not from you, Sir!")

Maulvi ABUL KASEM: I respectfully submit that the same treatment should be meted out to the Minister who wants guidance and assistance from people whom he insults. He must apologise. We have been insulted and we want redress.

Mr. PRESIDENT: I think that the best thing for the House is to accept the statement I have just made, namely, that he was not in a position to answer till I admitted the question.

Mr. S. C. BOSE: We want to hear from him, Sir.

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: You, Sir, have explained exactly what I meant. (Cries of "Shame! Shame!")

Mr. PRESIDENT: Order, order. So far as the particular question is concerned I disallow it and declare that the Hon'ble Minister has withdrawn what he had said.

5 P.M.

Eradication of water-hyacinth.

21. Srijut JOGENDRA NATH MOITRA: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state what further steps to formulate effective measures to eradicate the pest of water-hyacinth have been taken since his remarks in the Council on 24th March, 1927?

(*b*) Has the Hon'ble Minister ascertained the extent of damage hitherto done to the crops by this pest?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the total acreage thus affected and the approximate amount of damage done to the crops last year?

(*d*) If the answer to (*b*) is in the negative, are the Government considering the desirability of causing such an enquiry to be made?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) A conference consisting of members of the Legislative Council and

others who have firsthand knowledge of water-hyacinth was held at Dacca on 28th July last, and opinions elicited as to measures necessary for the eradication of water-hyacinth.

(*b*) Yes, as far as is possible.

(*c*) The member is referred to paragraph 4 of the Special Officer's report which is laid on the library table. The approximate amount of damage done last year is not available.

(*d*) Does not arise.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state if Government intends to introduce legislation for the eradication of the pest?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: Yes.

Maulvi TAMIZUDDIN KHAN: If so, when?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: As soon as I am able to do so.

Khan Bahadur Maulvi AZIZUL HAQUE: May I know why in the Conference which was convened at Dacca invitations were not issued to all the members of the Legislative Council, but to some members only?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: It was not a Conference of the members of the Legislative Council.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to see the words in his answer that a Conference consisting of members of the Legislative Council was convened?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: The words used in my answer are "Members of the Legislative Council and others."

Khan Bahadur Maulvi AZIZUL HAQUE: May I know who were the fortunate recipients of the invitation to this Conference so far as this House is concerned?

Babu NALINIRANJAN SARKER: Is it not a fact that a certain gentleman was not invited because he did not hold with the Minister at all?

Mr. PRESIDENT: That is no question at all.

Maulvi ABUL KASEM: So far as I understand the English language, "a Conference of the members of the Legislative Council and others" is no answer to the question put by my hon'ble friend Khan Bahadur Maulvi Azizul Haque.

Mr. PRESIDENT: You cannot say that. I am afraid you are not within your limits, Mr. Kasem.

Maulvi ABUL KASEM: May I ask the Hon'ble Minister that if all Chairmen of District Boards in the Eastern Bengal districts—Dacca, Chittagong and Rajshahi Divisions—were invited to that Conference, why the Chairmen of the Mymensingh and Chittagong District Boards were not invited?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: That is not a question.

Mr. PRESIDENT: I think that is a question, and the member is quite justified in asking why the Chairman of a particular District Board was not invited when others were?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: There was no intention of keeping anybody out; the Conference consisted of the members of the Legislative Council and others who have firsthand knowledge of the water-hyacinth problem.

Maulvi ABUL KASEM: May I also ask the Hon'ble Minister what personal knowledge Dr. Abdulla-al-Mamun Suhrawardy has of the water-hyacinth in his district.....

Mr. PRESIDENT: Your question is ironical. I cannot allow any more supplementary questions. I have had enough of them.

Karatoya river.

22. Srijut JOGENDRA NATH MOITRA: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the Karatoya was once an important navigable river?

(*b*) Has the attention of the Hon'ble Member been drawn to the condition of the district of Bogra and other districts of North Bengal, both commercially and in point of health, owing to the silting up of that river?

(*c*) Are the Government considering the desirability of taking steps to make the river navigable?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) Yes.

(*c*) Government have consulted the Commissioner and the Collector and they agree with Government's expert advisers that any attempt to alter the present river system in the Bogra district would involve great risks. The Karatoya could only be improved at the expense of the Kata Khal.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to enlighten the House as to the nature of the risks?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: If the Karatoya is improved, there is every possibility of Kata Khal dying.

Erosion of Sirajganj town by the Jamuna.

23. Srijut JOGENDRA NATH MOITRA: (*a*) Is the Hon'ble Minister in charge of the Department of Public Works aware that the town of Sirajganj in the district of Pabna is being encroached upon by the Jamuna?

(*b*) If so, are the Government considering the advisability of taking immediate steps to check the erosion of the town?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. Byomkes Chakravarti): (*a*) The answer is in the affirmative.

(*b*) No. The erosion is so considerable that any action taken to arrest its advance would be of no avail and would entail the waste of a large sum of money.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state if any expert opinion was taken on the question referred to?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: Yes, expert opinion was taken.

Mr. S. C. BOSE: When was it taken?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: Last July.

Mr. S. C. BOSE: Will the Hon'ble Minister please give us the name of the expert whose opinion was taken?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: Mr. Addams-Williams.

Mr. S. C. BOSE: Will the Hon'ble Minister please lay the report of the expert on the table?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: If my friend gives me notice I will do so.

Mr. H. S. SUHRAWARDY: Mr. President, may I draw your attention to rule 23, paragraph 3, which says that the first hour should be allotted for questions and answers. That hour has expired, and I suggest that all that is necessary now is to call all questions and no permission should be given to put supplementary questions.

Mr. PRESIDENT: I intend to go on with the questions because we are not far off from the last.

Mr. S. C. BOSE: Is the hon'ble member in order in advising the Chair?

Mr. PRESIDENT: He rose to a point of order and, although ended with an advice, it did not really affect the Chair.

Compensation to the Hindu sufferers of Pabna.

24. Srijut JOGENDRA NATH MOITRA: (*a*) Is the Hon'ble Member in charge of the Police Department aware that after due enquiry the Government declared compensation amounting to Rs. 61,018 to be payable to the Hindu sufferers of Pabna by an order dated the 8th November, 1926, under section 15A of the Indian Police Act, 1861 (V of 1861)?

(*b*) Will the Hon'ble Member be pleased to state why the amount of compensation has not been paid up till now?

(*c*) Will the Hon'ble Member be pleased to state when these persons are likely to be compensated?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) Compensation has not been paid because the Civil Court has issued an injunction restraining the Magistrate from realising a considerable portion of the amount assessed.

(*c*) After the disposal of the suit in which the first relief claimed is "that the local Government acted in contravention of section 15A in making the Hindus of the Pabna Municipality liable to pay compensation."

Licensed copyists and typists of courts.

25. Maulvi CHAUDHURY GHOLAM MAWLA: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that licensed copyists and typists of courts were given an understanding that the rates of their fees would be increased when the value of folios was increased from 3 annas to 4 annas each?

(*b*) Will the Hon'ble Member be pleased to state as to what is being done for the copyists and typists?

The Hon'ble Mr. A. N. MOBERLY: (*a*) No.

(*b*) A provident fund has been instituted to which Government subscribes: the High Court have issued directions in restriction of new appointments which have already considerably increased the average earnings and are expected to secure to all copyists and typists the standard of earnings contemplated.

Promotion of the police officers in the Presidency.

26. Maulvi CHAUDHURY GHOLAM MAWLA: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement for Bengal for the last 12 years showing separately for the Mussalmans and Hindus—

(*i*) the number of assistant sub-inspectors promoted to the rank of sub-inspector, district by district;

(*ii*) the number of sub-inspectors promoted to the rank of inspector, district by district; and

(*iii*) the number of inspectors promoted to the rank of Deputy Superintendent of Police?

The Hon'ble Mr. A. N. MOBERLY: (*i*) A statement is laid on the table giving the information as from 1920, the year in which the rank of assistant sub-inspector was created.

(*ii*) A statement is laid on the table. The information cannot be given district by district as sub-inspectors are borne on a provincial list.

(*iii*) A statement is laid on the table.

A.

Statement referred to in the reply to clause (i) of unstarred question No. 26 showing the number of Assistant Sub-Inspectors promoted to the rank of Sub-Inspector from 1920 to 1926.

Year.	District.	Hindus.	Muhammadans.	Total.
1920	Faridpur	1	..	1
,,	Bakarganj	2	..	2
,,	Noakhali	1	..	1
,,	Mymensingh	2	..	2
,,	Tippera	1	..	1
,,	Dacca	2	..	2
,,	Howrah	2	..	2
,,	Birbhum	1	..	1
,,	Hooghly	1	..	1
,,	Midnapore	2	..	2
,,	Burdwan	1	..	1
,,	C. I. D.	1	..	1
,,	Pabna	1	..	1
,,	Darjeeling	3	..	3
,,	Jalpaiguri	..	1	1
,,	Rangpur	1	..	1
,,	Sealdah, G.R.P.	1	..	1
,,	Jessore	3	..	3
,,	Murshidabad	1	..	1
,,	Nadia	1	..	1
,,	24-Parganas	2	..	2
	Total ..	30	1	31

Year.	District.	Hindus.	Muhammadans.	Total.
1921	24-Parganas	1	1	2
,,	Birbhum	1	..	1
,,	Burdwan	1	..	1
,,	Darjeeling	1	..	1
,,	Malda	..	1	1
,,	Chittagong	1	..	1
,,	Mymensingh	1	..	1
	Total ..	6	2	8
1922	Khulna	1	..	1
,,	E. I. Ry., Howrah	1	..	1
,,	Pabna	1	..	1
,,	Jalpaiguri	..	1	1
,,	P. T. College, Sardah	1	..	1
,,	Noakhali	1	..	1
,,	Tippera	..	1	1
,,	Mymensingh	1	..	1
	Total ..	6	2	8
1923	Sealdah, G. R. P.	1	..	1
,,	Nadia	2	..	2
,,	Khulna	1	..	1
,,	24-Parganas	1	..	1
,,	Jessore	1	..	1
,,	Hooghly	..	1	1
,,	Midnapore	1	..	1
,,	E. I. Ry., Howrah	1	..	1
,,	Bankura	1	..	1
,,	Howrah	1	..	1
,,	Jalpaiguri	1	..	1
,,	Darjeeling	2	..	2
,,	Rajshahi	1	..	1
,,	Faridpur	2	..	2
,,	Noakhali	1	..	1
,,	Bakarganj	1	..	1
,,	Dacca	2	..	2
,,	Mymensingh	2	..	2
,,	Tippera	2	..	2
	Total ..	24	1	25
1924	I. B.	1	..	1
,,	Mymensingh	2	1	3
,,	Dacca	2	..	2
,,	Bakarganj	2	1	3
,,	Faridpur	..	1	1
,,	Chittagong	1	..	1
,,	Pabna	1	1	2
,,	Rajshahi	2	..	2
,,	Rangpur	1	..	1
,,	Jalpaiguri	1	..	1
,,	P. T. College, Sardah	1	..	1
,,	Darjeeling	1	..	1
,,	Jessore	1	..	1
,,	24-Parganas	1	..	1
,,	Khulna	1	..	1
,,	Nadia	1	..	1

Year.	District.	Hindus.	Mahammadans.	Total.
1924	Howrah	2	..	2
,,	Hooghly	1	..	1
,,	Midnapur	2	..	2
,,	Bankura	1	..	1
,,	E. I. Ry., Howrah	1	..	1
	Total ..	26	4	30
1925	24-Parganas	1	..	1
,,	Jessore	1	..	1
,,	Khulna	1	..	1
,,	Nadia	2	..	2
,,	Murshidabad	1	..	1
,,	Howrah	..	1	1
,,	E. I. Ry., Howrah	1	1	2
,,	Midnapore	1	..	1
,,	Birbhum	1	..	1
,,	Hooghly	1	..	1
,,	Asansol	1	..	1
,,	Burdwan	1	..	1
,,	Jalpaiguri	..	2	2
,,	P. T. College, Sardah	1	..	1
,,	Bogra	1	..	1
,,	Rangpur	1	..	1
,,	Rajshahi	1	..	1
,,	Malda	1	..	1
,,	Dacca	1	..	1
,,	Tippera	2	..	2
,,	Mymensingh	..	1	1
,,	Faridpur	1	1	2
,,	Bakarganj	1	..	1
,,	Noakhali	1	..	1
,,	C. I. D.	1	..	1
	Total ..	24	6	30
1926	Murshidabad	1	..	1
,,	24-Parganas	2	..	2
,,	Sealdah Railway Police	1	..	1
,,	Khulna	1	..	1
,,	Jessore	3	..	3
,,	Midnapore	1	1	2
,,	Bankura	2	..	2
,,	Howrah	1	..	1
,,	Mymensingh	2	1	3
,,	Dacca	1	1	2
,,	Tippera	..	1	1
,,	Faridpur	2	..	2
,,	Bakarganj	2	..	2
,,	Dinajpur	2	..	2
,,	Pabna	1	..	1
,,	P. T. College, Sardah	1	..	1
,,	Jalpaiguri	1	1	2
,,	Malda	1	..	1
	Total ..	25	5	30

B.

Statement referred to in the reply to clause (ii) of unstarred questio No. 26, showing the number of Sub-Inspectors promoted to th rank of Inspector from 1915 to 1926.

Year.	Hindus.	Muhammadans.	Total.
1915	8	2	10
1916	32	2	34
1917	34	2	36
1918	26	2	28
1919	13	4	17
1920	9	..	9
1921	4	..	4
1922	1	..	1
1923	2	..	2
1924	19	3	22
1925	30	5	35
1926	18	5	23
Total ..	196	25	221

C.

Statement referred to in the reply to clause (iii) of unstarred question No. 26, showing the number of Inspectors promoted to the rank of Deputy Superintendent from 1915 to 1926.

Year.	Hindus.	Muhammadans.	Total.
1915	4	1	5
1916	6	1	7
1917	..	..	..
1918	2	..	2
1919	3	..	3
1920	1	..	1
1921	2	..	2
1922	..	..	..
1923	..	..	..
1924	1	..	1
1925	1	..	1
1926	1	..	1
Total ..	21	2	23

Recruitment of Mussalmans in the Subordinate Police Service.

27. Maulvi CHAUDHURY GHOLAM MAWLA: Will the Hon'ble Member in charge of the Police Department be pleased to state—

(i) why the Government circular as to recruitment of 45 per cent. of public service from Mussalmans was not adhered to in cases of promotion of the Mussalman Assistant Sub-Inspectors, Sub-Inspectors and Inspectors; and

(*ii*) why the deficiency has not been made good by proportionate direct recruitment?

The Hon'ble Mr. A. N. MOBERLY: (*i*) In the *communiqué* of the 21st December, 1925, to which it is presumed that the question refers, it was announced that Government had decided to reserve the right to appoint Muhammadans to 45 per cent. of the vacancies in the Bengal Civil Service, the Bengal Junior Civil Service, and the Bengal Excise Service filled by direct recruitment. No such reservation was made with regard to appointments in the Subordinate Police Service.

(*ii*) This question does not arise.

Piece-workers in Government Press.

28. Srijut TARAKNATH MUKERJEA: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state—

(*i*) the names of the members who composed the Committee formed to inquire into the conditions of the piece-workers in the Bengal Government Press on Mr. K. C. Ray Chaudhuri's motion carried by this Council in December, 1925; and

(*ii*) the dates of commencement and termination of the Enquiry Committee's work?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing the recommendations of the said Enquiry Committee as well as the steps taken by the Government to give effect to those recommendations?

(*c*) If the recommendations of the Committee have not been given effect to, will the Hon'ble Member be pleased to state the reasons thereof?

The Hon'ble Sir JAMES DONALD: (*a*) (*i*) The Committee as constituted was—

President—Mr. M. C. McAlpin, C.I.E., I.C.S.

Members—Mr. K. C. Ray Chauduri, Mr. W. L. Travers, C.I.E., O.B.E., Mr. Tarit Bhushan Roy and Maulvi Wahed Hussain.

Maulvi Wahed Husain did not, however, join the Committee.

(*ii*) The Committee first visited the Press on the 16th March, 1926, and submitted its report on the 18th June, 1926.

(*b*) A statement is laid on the table.

(*c*) Recommendations 3, 8 and 10 are still under examination.

Recommendation 11.—Government do not consider that a Works Committee is necessary, as all the employees in the Press have free access to the Superintendent.

Statement referred to in the reply to clause (b) of unstarred question No. 28.

Recommendations.	Whether accepted by Government.	Action taken to give effect thereto.
1. That a monthly and yearly statement of the average pay, etc., of compositors, etc., be prepared to enable the Superintendent to stabilise the earnings of the men.	Yes	Orders have issued.
2. That certain rules be adopted for supervising the work of section-holders and checkers.	Yes	Ditto.
3. That the grade rates for "hour" work should be actually adjusted to the average rates drawn for piece-work during regular hours by raising the maximum rates.	Still under consideration.	
4. That 75 per cent. of the present number of each class of piece-workers should be put on the permanent establishment where that percentage has not been reached.	Yes	Orders have issued.
5. That arrangements should be made bringing the piece-workers more directly under the Civil Service Regulations or whatever rules may take their place for the purpose of pensions.	Orders have issued that individual cases may be disposed of by Government under the powers conferred by Article 361A of the Civil Service Regulations. The general question is still under consideration.	
6. That the older hands should, if they desire it, be put on to lighter work.	Yes, with slight modification.	Orders have issued.
7. That a suitable Provident Fund for future employees should be instituted as soon as possible.	Yes	Action cannot be taken until the Provident Fund rule for the Government of India Presses have been approved by the Secretary of State.
8. That, after 10 years' service, the 16 days' holiday at present allowed should be increased to 23 days, and after 15 years' service to 31 days.	Still under consideration.	
9. That sick leave at one-half rates for a month should be allowed during the year to regular workers.	Yes	Orders will be issued after Government have decided on the action to be taken on recommendations Nos. 2, 8 and 10.
10. That gazetted holidays should be treated as overtime.	Still under consideration.	
11. That a Works Committee should be established.	No.	

Guru-Training School at Berhampore.

9. Maharaj Kumar SRIS CHANDRA NANDY: Will the Hon'ble Minister in charge of the Department of Education be pleased to lay on the table a statement showing

(*i*) the total cost of acquiring land and the construction of the building for the Guru-Training School at Berhampore;

(*ii*) the strength of the staff with pay; and

(*iii*) the number of pupils?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*i*) Berhampore Guru-Training School buildings were constructed at a cost of Rs. 23,081. The school stands on khasmahal land which was taken over from the Collector of Murshidabad.

(*ii*) There are three teachers on the staff of the school. The Head Master is a B.A., B.T., on Rs. 75 5 200 and the other two teachers are V.M. passed on the scale of Rs. 35 2 75 3 90.

(*iii*) The number of pupils admitted during the year is 22.

Legislation empowering municipalities to impose tax on motor-buses in the mufassal.

30. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Is the Hon'ble Minister in charge of the Department of Local Self-Government aware of the difficulties of the mufassal municipalities for want of power either—

(*i*) to impose any tax on the motor-buses, the number of which is rapidly increasing; or

(*ii*) to control or restrict the use of particular roads?

(*b*) If the answer to (*a*) is in the affirmative, are the Government contemplating any legislation on the subject in the near future?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): (*a*) Yes.

(*b*) The member is referred to paragraph 14 of the resolution on the working of municipalities for the year 1925-26. A Committee was appointed to indicate the lines on which a Bill should be drafted so as to authorise the levy of a provincial tax on motor vehicles.

The Committee has finished its labours, but for the moment no further action is being taken, as in response to a resolution passed in the Council of State in February last the Government of India have decided to hold a conference at Simla to discuss the possibility or the desirability of a Central Road Board for the purpose of advising in regard to and co-ordinating the policy in respect of road development in India, and to examine how such development could be most suitably financed. The question whether the Government of Bengal will undertake legislation for the taxation of motor vehicles or not will await the conclusions reached at the Conference.

It is not proposed at present to undertake any legislation with the object of amplifying the powers to restrict traffic on particular roads conferred on mufassal municipalities by the Motor Vehicles Act and by such by-laws as they are competent to frame. Restrictions will be unnecessary if the roads can be improved.

Babu AMULYA CHANDRA DATTA: Is the Hon'ble Minister aware that the present Motor Vehicles Act empowers the Local Government to authorise the Municipalities to levy a tax on motor-buses if it is considered necessary?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I am afraid, I am not aware of any such Act as the Motor Vehicles Act. There is no Bengal Motor Vehicles Act.

Babu AMULYA CHANDRA DATTA: Is the Hon'ble Minister aware that about two years ago, at the instance of the Hooghly-Chinsura Municipality, the Commissioner of the Burdwan Division recommended to the Local Government for authorising the said Municipality to levy a tax on motor-buses and that recommendation was made under the provisions of the Motor Vehicles Act?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I must ask for notice.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state what Act he was referring to in his answer when he said that it was not proposed at present to undertake any legislation with the object of amplifying the powers to restrict traffic on particular roads conferred on mufassal Municipalities by the Motor Vehicles Act?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: The Indian Motor Vehicles Act.

Eradication of bushy plants growing on the banks of the Bhagirathi at Murshidabad.

21. Maharaj Kumar SRIS CHANDRA NANDY: With reference to the reply given to clause (*b*) of unstarred question No. 82 on the 1st March, 1927, will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) the result of the inquiry, and

(*ii*) the remedial measures suggested,

by the Commissioner of the Presidency Division?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*i*) and (*ii*) The Commissioner of the Presidency Division reports as follows:—"With reference to your letter No. 1204, dated the 28th February, 1927, and enclosure, regarding the eradication of a species of bushy plant growing on the banks of the river Bagirathi in the district of Murshidabad, I have the honour to state that the Collector of Murshidabad, who made an enquiry in the matter, reports that the plant has grown abundantly in Berhampore and most of the area fed by the river Bhagirathi and also in some other parts of the district. The plant dies a natural death within a certain period, about six months, but before it dies it leaves numerous seeds behind. The Chairmen of the District Board and Municipalities, who were consulted in the matter, are of opinion that the best way of eradicating the plant is to uproot them or cut them off before they flower. This suggestion is in conformity with the expert opinion of the Economic Botanist. The Collector of Murshidabad suggests that this method may be tried for two or three seasons. The District Board proposes to ask the Chairman of the Union Committee to check the growth of the plant by uprooting them or cutting them before they reach the flowering stage."

Culverts and bridges in the Sainthia-Berhampore-Bhairamara Railway project.

22. Maharaj Kumar SRIS CHANDRA NANDY: Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether, in the interest of the health of the people living in the districts of Birbhum, Murshidabad and Nadia, provision has been made for culverts and bridges in the Sainthia-Berhampore-Bhairamara Railway project sufficient for the natural drainage of the land and the flow of the waterways?

The Hon'ble Sir JAMES DONALD: Only a detailed engineering survey of the proposed railway has been sanctioned by the Railway Board. Before construction is begun, the sufficiency or otherwise of the waterways proposed to be provided will be examined by this Government in consultation with the Irrigation and Public Health Departments.

Motions of no confidence in the Ministry.

5-15 P.M.

Dr. BIDHAN CHANDRA ROY: I beg leave of this Council to make the following motion, *viz.*, "that this Council has no confidence in the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, Minister for Agriculture and Industries, Bengal."

I also beg leave to move this other motion, *viz.*—that this Council has no confidence in the Hon'ble Mr. Byomkes Chakravarti, Minister for Education, Bengal.

Mr. PRESIDENT: Leave has been asked by Dr. Roy to move the above two motions. Those who are in favour of the motions will please rise in their seats.

(The Hon'ble the President then directed the Secretary of the Council to count the number of those who had done so. The Secretary said that in each case the number was more than 46.)

Mr. PRESIDENT: Dr. Roy, you have the leave of the House to move the two motions. But before I fix a date, I should like to know if the Hon'ble Sir James Donald has any suggestion to make on behalf of Government as to the time when these two motions should be taken up.

The Hon'ble Sir JAMES DONALD: I would suggest that they be taken up after Government business is finished.

Mr. J. M. SEN GUPTA: May I suggest, Sir, that the time should be fixed just before the Hon'ble Ministers take up their subjects, as it is only fair to the Ministers as well as to those that have tabled the motions.

Mr. PRESIDENT: It is the prerogative of His Excellency the Governor to appoint certain days for the transaction of official or non-official business. As the first two days are allotted for official business

and the next two days for non-official business, I fix Thursday, the 25th August, for the discussion of the motions. Will that suit you and your party, Mr. Sen Gupta?

Mr. J. M. SEN GUPTA: Yes.

Mr. W. L. TRAVERS: My party would rather prefer Friday, Sir, Thursday being mail day.

Mr. PRESIDENT: I am afraid, Mr. Travers, I cannot take cognizance of private grounds. I hope members on your side of the House will make it a point to come on Thursday, if they consider the matter to be a very important one.

[At 5-20 P.M. the Council was adjourned, and it reassembled at 5-30 P.M.]

Certificates under Section 72D of the Government of India Act.

The Hon'ble Sir JAMES DONALD: Before I put the resolution in my name, I should like to lay on the table two certificates certifying the demand for the Band Establishment and the expenditure provided for subscription to the Indian News Agency telegrams. These are with reference to the last Budget.

The following certificates were then laid on the table:—

"I hereby certify that the expenditure provided for by the demand of Rs. 70,000 for the Band Establishment under the head "22.—General Administration" is essential to the discharge of my responsibility for the subject."

LYTTON,

Governor of Bengal.

Calcutta, the 21st March, 1927.

"I hereby certify that the expenditure provided for by the demand of Rs. 3,000 for subscription for the Indian News Agency telegrams under the head "22.—General Administration" is essential to the discharge of my responsibility for the subject."

LYTTON,

Governor of Bengal.

Calcutta, the 21st March, 1927.

GOVERNMENT BUSINESS.

Demand for Grant.

Loans and Advances.

The Hon'ble Sir JAMES DONALD: I beg to move that a sum of Rs. 2,00,000 be granted for expenditure under the head "Loans and Advances" for payment of loans to cultivators under the Agriculturists' Loans Act.

This is briefly explained in the memorandum which has been circulated. The provision already made has proved inadequate, at any rate, for the present.

The motion was put and agreed to.

Government Resolution.

The Hon'ble Sir JAMES DONALD: I beg to move that this Council recommends to Government that a loan of Rs. 36¼ lakhs be raised for the purpose of the construction of the roadways for vehicular and foot traffic on the Bally Railway Bridge and of the approaches thereto.

I have circulated a memorandum briefly explaining the position. It will be in the recollection of the House that in February, 1926, this Council agreed to a contribution of Rs. 10 lakhs which would be employed in rendering the railway bridge at Bally, now under construction, strong and suitable enough to carry two roadways for traffic—vehicular and foot—from one side of the river to the other. When I made that demand I pointed out that that would entail what we then thought to be a future expenditure of Rs. 22 lakhs in providing roadways and in connecting the bridge roads with the main roads. We were not sure at that time when the demand for the construction of the roads would be necessary, but we are now told by the officers engaged in the construction of the bridge that now is the appointed time. If we do not build the roadways now, we shall be landed with a very much larger expenditure than we are now asking for, and we should be put to very considerable inconvenience and shall have to pay even more than what we should do if they were constructed by the railway engineers now employed. If it has to be done now, then this Council must come to a decision to-day; otherwise, the opportunity will be lost. If it is not done now, the opportunity may run away and possibly the expenditure already agreed to will be thrown away.

I think it will be realised that when we have engineers on the spot with the necessary machinery, cranes and so forth, it will be a simpler thing and much more expeditious to build these roadways simultaneously

with the construction of the bridge—not only the roadways on the bridge but also the approaches—which could be very easily and more cheaply erected along with the railway arches and approaches. It will, I think, also be realized that if this work were done later, it will be very difficult with trains running; and it will take a very long time and will then be very expensive. On the top of that, it will also be realized that it would be much cheaper for the railway with a big contract to include in their tenders or their expenses the steel necessary for the construction of the roadways and to that extent we gain. If this work be taken up now, then it will cost Rs. 24 lakhs *plus* the amount already sanctioned by the Council; but if it were postponed, it would cost something like Rs. 42½ lakhs. In addition to this, we should require about 1½ lakhs for an approach road to connect Hastie Road with Barrackpur Road. Therefore, we effect a very great saving if it is done now. I do not want to speak about the advantage of these roadways; that was discussed and approved. As you will remember, when we were discussing merely the strengthening of the bridge to provide for roads for the future, even the Calcutta Corporation went further than we did; they said that the roads should be made at once. I think, therefore, we are justified in going ahead with the scheme. It will, of course, be said that it means a lot of money and that we cannot afford it, but in this connection I may say that we do not propose to add to the expenditure of the province. We have a normal provision of about a crore of rupees for public works, and we are prepared to meet the cost of the loan now proposed out of that grant. We should not thus be adding to the provincial expenditure. It will be met from the present grant for public works, and the cost will be debited to that head without adding to the expenditure for the period during which the loan runs.

Dr. BIDHAN CHANDRA ROY: May I ask the Hon'ble Member whether he means that for the next 50 years the interest and the sinking fund will be met out of the Public Works Budget?

The Hon'ble Sir JAMES DONALD: We shall not add to the Public Works grant to meet this expenditure?

Dr. BIDHAN CHANDRA ROY: How can we commit the Public Works Department to such a large expenditure and for such a long time?

The Hon'ble Sir JAMES DONALD: Once the Government agree to take this step, they must be relied on to abide by this decision. I need not this afternoon say anything more than what I have already said, and I formally move the resolution.

5-45 P.M.

Rai HARENDRANATH CHAUDHURI: May I rise to a point of order? Should not the amendments be taken up first before the general discussion takes place?

Mr. PRESIDENT: I am told that it will be a matter of convenience if Babu Naliniranjan Sarker be allowed to make his general observations on the resolution itself.

Babu NALINIRANJAN SARKER: This is now the third attempt of Sir James Donald to impose on the revenues of Bengal the burden of the cost of the roadways on the proposed Bally Railway Bridge. His first attempt was made in December, 1925, when he moved a resolution to ascertain the opinion of this Council thereon. But as the Council, irrespective of party labels, turned out to be unmistakeably hostile, he had to bide his time and resort to tactical devices in order to commence driving in the thin end of the wedge. On the next occasion, in February, he persuaded the Council to disregard our opposition and agree to an initial grant of Rs. 10 lakhs just for the purpose of making the main girders of the railway bridge strong enough to carry roadways if at some future date their construction was found to be necessary. His idea was that if we fail to utilise this opportunity to make such a provision, the cost of constructing a separate bridge for ordinary traffic over the Ganges would be unbearably heavy. At that time, the Hon'ble Finance Member was satisfied with this contribution of Rs. 10 lakhs, and he was good enough to admit that "the roads and footpaths need not be made till the need is more insistent and funds perhaps more readily available." This, as I said, was in February, 1926. Nothing has subsequently occurred to show that the two conditions then laid down have been fulfilled. What has grown more insistent is not the need for the roadways but the demand of the Finance Member. To meet his own condition of the ready availability of funds he proposes a loan scheme which evades the responsibility of immediately finding the full amount of Rs. 36 lakhs by imposing on the revenues of Bengal the burden of an annual contribution of Rs. 2 lakhs for a period of 50 years. In other words, instead of paying Rs. 36 lakhs, we shall have to pay Rs. 1 crore and that for a purpose of at best doubtful utility. This is indeed a very good example of readily available funds, but this same means has always been open to the Hon'ble Finance Member, and I do not see what improvement the Hon'ble Member finds in the financial aspect of the question. Regarding the intrinsic merit of the whole question he has not, I repeat, been able to make out a case for any immediate need for these roadways over the bridge. But he is now trying to frighten the House into acquiescence by pointing, firstly, to the danger of an extra sum of over Rs. 11 lakhs becoming necessary, if

the construction of the roadways be postponed until after the completion of the railway bridge, and, secondly, to the barrenness of the previous investment of Rs. 10 lakhs. This weapon, the only one that Sir James finds handy, is unfortunately blunt. Had it really any edge, that would have been apparent at the time when he had to be content with Rs. 10 lakhs.

Now, Sir, a scheme involving such a heavy expenditure as is now proposed must at least satisfy one of the two conditions. That is, it must either satisfy an urgent existing need, or it must eventually help the material development of the locality to a degree commensurate with this heavy expenditure. Or, at least, it must be possible for its advocates to establish that within a definite period, say six or seven years, the roadways over the bridge will have become such a pressing necessity that a saving of Rs. 11 lakhs by constructing the roadways earlier is a question of serious consideration.

Now, if the roadways are constructed, they will be convenience only to the small number of persons who cross the river between Bally and Baranagore and the places near about. But the large mass of men and goods proceeding to and returning from Calcutta will always prefer to cross the river by the Howrah Bridge, as the business activities of Calcutta are mostly confined to places near about this bridge, and as it is also the connecting link between the two big railway stations of Calcutta which influence the largest traffic. Neither Bally, nor Baranagore, nor any other of the places round about them are business centres of any importance, which can influence traffic of any considerable size. The little traffic, if any, that exists in these localities is purely local and the proposed expenditure would be out of all proportion thereto. Then again, what chance is there that, if the roadways were made, the business centres of Calcutta would shift to the north round about the bridge at Bally? Or that, immediately the roadways are laid, new centres of business will spring up there? So long as the existing business centres thrive in their present place, and so long as the Howrah and the Sealdah stations retain their present importance and all the principal Docks are near the Howrah Bridge, that can never happen. No doubt, there are large industrial areas on both sides of the Ganges between Calcutta and Baranagore on this bank and Howrah and Bally on the other. But they derive their supplies from and send their goods to Calcutta. The inter-communication between the various mills on the opposite banks is too little to necessitate a roadway over this bridge. It will be seen, therefore, that the suburbs can develop as circumstances demand along either bank, without requiring a bridge for other than railway traffic across the river at a place so distant from the Calcutta business centres as Bally.

It has also been argued that there is no other instance of a big city like Calcutta being served by one bridge, and the case of London

is cited to establish the utility of numbers of bridges. This argument might have had some weight if urged in favour of having additional bridges within the limits of Calcutta itself, although so far as I am aware conditions here are by no means the same as in London, nor has Calcutta the former's financial solvency. The bulk of business here is practically centralised, as I have said, in the vicinity of the existing bridge which also connects the principal stations of the two main railways which carry the traffic to and from Calcutta. The Docks are served by three railways, two having direct communication already, and the Bengal-Nagpur Railway having its train ferries. The scheme, therefore, cannot but seem to us to be more of a decorative and spectacular nature; unless, of course, its real nature remains undisclosed—military, for instance—or something that the Government is either unwilling or afraid to acquaint us with. That is, perhaps, why we find it difficult to understand the lighthearted way in which the Finance Member proposes to us to bang down our six-pences to pay for chickens before they are hatched.

Then, with regard to the increased cost of Rs. 11 lakhs referred to by the Hon'ble Member, I would point out that if the roadways do not (as they cannot) become urgently necessary within, say, 10 years or more, we shall have saved by the end of that period over Rs. 13 lakhs by way of interest on Rs. 26 lakhs. So there is no danger of future increased costs in the policy of caution that we advocate. Moreover, when Calcutta becomes "the first industrial and commercial area stretching miles up and down the Hooghly on both sides of the river," which the fertile imagination of the Hon'ble the Finance Member is already able to visualise, this extra cost of Rs. 11 lakhs should then be found with far less difficulty than what we shall now encounter in paying even Rs. 2 lakhs per year for 50 years.

With regard to the argument that Rs. 10 lakhs already spent will remain useless without this further expenditure, that fact was well known when the sanction was accorded. Because a provision is made for a future contingency that may arise, why should we hasten again to anticipate the contingency before it has arisen? When the growing traffic demands it, the previously sanctioned Rs. 10 lakhs will put us in a position to meet it cheaply. So far, so good; but no one has yet contended that the traffic has now come up to that stage.

It is a common experience for us, Sir, when schemes of development are proposed on the transferred side of the Budget for the urgent amelioration of the condition of the people, the Hon'ble the Finance Member out of his stern sense of duty never fails to confront us with various financial difficulties. But in the present instance, he is prepared to go so far as to cut down the Public Works Department Budget in order to provide for the sum of Rs. 2 lakhs every year for 50 years for financing this loan for the roadways on the Bally Bridge. If we in Bengal are calculating, I am told they are more so in Scotland.

what passes my understanding, therefore, is the ease with which our Government, under Scottish guidance, has grown infatuated with a costly and merely spectacular scheme like the one in hand. I cannot help repeating what I have so often said before, that if the Hon'ble the Finance Member would only show the same enthusiasm and the same spirit of accommodation in regard to schemes that have a direct bearing on the welfare and progress of the people, his seal in discharging his duties would remain in this country as a greatful remembrance. Imposing schemes like buildings with stone-facing and large bridges and specious roads may be very cheap in the long run compared to alternative schemes, but where the dearth of money for more pressing schemes of urgent public benefit needs must put them outside the pale of serious consideration, it is no good dwelling on their other merits. What is it to a peasant if a Roll's Royce be going at half price? For him, perforce, the bullock-cart is the better vehicle.

If the Finance Member can raise a loan of Rs. 30 lakhs and make a sufficient provision for the same, I ask why he should not do it, first and foremost, for improving the communications in the districts, and thus increasing the economic well-being of the people? The expenditure of such a sum in the districts would not only benefit far larger numbers, but would give us a much better harvest of permanent well-being compared to the expenditure.

With these words I would request the members of this House to throw out this motion.

Rai HARENDRANATH CHAUDHURI: Sir, in February, 1926, the Hon'ble Sir James Donald induced the Council to vote with him on his resolution for Rs. 10 lakhs in connection with certain provisions to be made in the proposed Bally Bridge for the future construction of certain roadways and footpaths. We voted against the Government resolution at the time, but the majority of the members of this House were induced by the Hon'ble Member to vote with him on specious promises—how specious they were, I intend to show presently by quoting from his speech made in this Council in February, 1926.

6 P.M.

In the first place, I desire to point out that the Hon'ble Member now proposes to raise a loan of Rs. 36¼ lakhs, but in February, 1926, he told the Council that the maximum expenditure in this connection would be Rs. 32 lakhs, and not more. Let me quote from his speech:—

"Now, if you take advantage of the construction of the railway bridge at Bally, the whole cost of two roadways and two footpaths from Bally across the river right up to the Barrackpore Trunk Road will be about Rs. 32 lakhs only. But if Rs. 10 lakhs are provided now, we can ensure the eventual construction of a means of communication

over the Hooghly between the Bally and the Barrackpore Trunk Road for another Rs. 22 lakhs, instead of having eventually to spend about Rs. 2 crores."

Thus, it will be seen his estimate in February, 1926, was Rs. 32 lakhs. Much water has flown down the Ganges in the meantime, and it is just because of that probably that his revised estimate now comes up to Rs. 36¼ lakhs.

Next he induced the Council to vote with him by assuring us that it would not be necessary to spend all the money now—not even the Rs. 10 lakhs which was the subject matter of his resolution. Let me quote his exact words again. He said:—

"It would not be necessary to spend Rs. 10 lakhs now, nor it is necessary to put down all the money for the new scheme. All that is now wanted is that the payment of Rs. 10 lakhs in the next few years will eventually make the scheme a cheap one."

I ask the Council to note this language: "Rs. 10 lakhs in the next few years"—not this year, but in the next few years—" will eventually make the scheme a cheap one." "The roads and footpaths" he went on "need not be made till the need is more insistent and funds perhaps more readily available." Nobody could imagine at the time that "the need will be insistent" in a few months and so soon the Hon'ble Sir James Donald would come before the Council to propose that immediately a loan of Rs. 36¼ lakhs should be sanctioned. Pray don't think that the Hon'ble Member's estimate in February, 1926, was the first and a rough estimate, for he was careful to observe that "the project has been revised as regards the approaches, since I spoke on the question last December, and the figure for the whole complete scheme for roads and footways from Bally to Barrackpore Trunk Road is Rs. 32 lakhs." Again, he was careful to reassure the House: "But I may repeat that all this will not be spent now. It will suffice if we take advantage of the bargain that we have in our hands and commit ourselves to the expenditure necessary to adapt the bridge to carry the roads whenever it is desired to construct them." Evidently in distant future.

A word about the Council's Commitment. In reply to Maulvi Wahed Hossain's remark, the Hon'ble Member said: "As to the remarks of Maulvi Wahed Hossain, Rs. 10 lakhs has been given to me as the maximum for this immediate commitment." So the Council need not be afraid at all that they are committed to an expenditure of Rs. 30 or 36 lakhs. Sir James Donald believed at the time that the Council was committed to nothing more than a provision of Rs. 10 lakhs—Rs. 10 lakhs not even to be spent immediately but of which only Rs. 6 lakhs will have to be spent in 1927 and Rs. 4 lakhs thereafter. And as for the other Rs. 22 lakhs for the construction of the roadways and footpaths, "it is not unlikely," the Hon'ble Member said, " that

this figure will diminish as time goes on." Yes, the figure has diminished indeed. So soon it has become Rs. 36¼ lakhs. Be that as it may, it is evident, Sir, that when the Council voted on the Bally Bridge in February, 1926, it voted on the distinct understanding that not more than Rs. 10 lakhs would be required for immediate payment, *i.e.*, in the next few years to come. The Council could not, from a single statement that was made by the Hon'ble Member at the time, imagine that they would be asked to vote a loan of Rs. 36¼ lakhs for the Bally Bridge within a few months' time. The motion, therefore, seems to me nothing short of a proposal which is directly contradictory to the proposal that was made by the Hon'ble Member in February, 1926, and I hope, now that it has been amply proved by the lapse of time that we were quite justified in going against the Government resolution in February, 1926, that the Council will follow us even now in this matter and will not be deluded by the Hon'ble Member to commit the province to a loan of Rs. 36¼ lakhs for the Bally Bridge.

Mr. PRESIDENT: Mr. Bose, I find there is an amendment against your name.

Babu BEJOY KRISHNA BOSE: I do not want to move that amendment. I want to speak on the main resolution.

The following amendment was, therefore, not moved:—

Babu BEJOY KRISHNA BOSE to move, by way of amendment, that in the motion of the Hon'ble Sir James Donald, for the words and figures "Rs. 36¼ lakhs" the words and figures "Rs. 22 lakhs" be substituted.

Babu BEJOY KRISHNA BOSE: Sir, as a man of Calcutta, I should really be glad if in addition to the Howrah Bridge there were 20 bridges over the Ganges near about Calcutta, provided that the sacred river is not silted up. But the question is, so far as this resolution of Sir James Donald is concerned, whether the time for a second bridge has come and whether this Council should allow him to float a loan of Rs. 36¼ lakhs. There is one bridge at Howrah, and after 150 years of British rule that one bridge is still serving the purposes of Calcutta and its trade. I do not, Sir, want to raise petty difficulties or make suggestions which are not of much importance before the House at the present moment. The note circulated to us by the Hon'ble Sir James Donald says that unless this amount is raised now and the footpaths and bridge approaches are made now.....

The Hon'ble Sir JAMES DONALD: May I ask what is the statement the hon'ble member is referreing to?

Babu BEJOY KRISHNA BOSE: I have got a statement sent to me by Mr. G. S. Dutt, Government whip, and I find from that note which is addressed to me by name that as the engineers are on the spot.....

The Hon'ble Sir JAMES DONALD: But where is it stated that money required is to be raised now?

Babu BEJOY KRISHNA BOSE: You want this House to authorise a loan of Rs. 36¼ lakhs on the ground that unless Government is authorised to raise the loan now, the future expenditure would exceed Rs. 36¼ lakhs by Rs. 11 lakhs more, because the engineers are there now and tools and implements have been assembled, and if in one contract certain items are included it would be cheaper. What I want to impress on the House is this—there was a letter from the Agent, East Indian Railway, sent to the Department of Finance. I am not much impressed with the figures referred to by the authorities. If you refer to the speech of the Hon'ble Sir James Donald in December, 1925, it will be seen, he said that the estimate that was sent by the railway authorities to him in 1925 provided for an expenditure of Rs. 126 lakhs for the cost of the two roadways and the two footpaths over the bridge. Subsequently, in their next correspondence, this amount of Rs. 126 lakhs came down to Rs. 46 lakhs, and we were told that this was due to the price of the steel falling down considerably. Even then the cautious Finance Member was not agreeable to enter into that project as this was too much. In December, 1925, when this question was brought before the House, it was rejected. Then in 1926, as Rai Harendranath Chaudhuri has stated, on the 25th February, Sir James Donald gave us specifically to understand that Rs. 10 lakhs would be immediately necessary, of which one-half would be spent in 1927 and the other half in 1928. Now what has arisen since February, 1926, that Sir James Donald has again come before us and says that unless we authorise Government to sanction the raising of a loan of Rs. 36¼ lakhs, the whole thing would collapse or something of that sort will happen? Now with regard to the other commitment, namely, the making of the footways and roads, all that we were told was that it would be made as the demand became "insistent." We do not know anything about it yet and we were further told that they would be taken up when the money would be "readily available." Is the money readily available now? If so, what assurance can the Finance Member give us as to what money is readily available for the nation-building departments as well? I can assure the House that that bogie or threat of a further expenditure of Rs. 11 lakhs in future unless provision is made now will not put us off our balance, because who knows that in the future the amount would not be less. If Government now raise a loan of Rs. 36¼ lakhs, Government will have to spend Rs. 2 lakhs in interest and sinking fund charges every year. In 10 years it will be Rs. 20

lakhs, in 15 years Rs. 30 lakhs; therefore, no case has been made out as to why this House should authorise Government to raise a loan of Rs. 36¼ lakhs now. Let Government proceed with Rs. 10 lakhs already given and then in the future, when the places round about Bally become trade centres and there is a demand for the roadways, at that time the House will again consider the grant of a further demand. But as at present advised, I do not think this House ought to allow the Finance Member to raise the loan.

6-15 P.M.

Mr. A. MARR: I should like to impress upon this House the great importance of this bridge and, further, that in my opinion it is urgently needed. This is specially so, having regard to the communications between Calcutta and the northern part of the province. The Improvement Trust have completed the Chittaranjan Avenue as far as Beadon Street. We are now engaged on extending it to Grey Street. From there it will ultimately go to the Chitpore Bridge. By the time that work is completed, we are practically certain to have a new wide Chitpore Bridge completed. The Lockgate Road will then be open and, if the Bally Bridge can only be completed about the same time, we shall have an avenue right from the south of the town through the whole of Calcutta and across the river to the northern parts of the province.

Dr. BIDHAN CHANDRA ROY: May I ask the hon'ble member how long does he think it will take this main thoroughfare—Central Avenue—to reach Bagbazar and further on?

Mr. A. MARR: For the section from Beadon Street to Grey Street some provision will be made in the next year's Improvement Trust Budget to start that work. The moment it is started, it will be pushed through as fast as possible. While that section is going on, the next section from Grey Street to Shambazar will be taken up, and while that section is going on the section from Shambazar to the Chitpore Bridge will be taken up. I reckon that probably in six years' time that work will be well on. The Chitpore Bridge will have to be widened, which means that a new bridge will have to be constructed in spite of the quarrel with the Corporation. This will take certainly 2½ years. So that, if all this programme is gone through, we shall be able by the time the Bally Bridge is finished—the Bally Bridge is expected to take 4 to 5 years—to push on with the rest of the programme. I do not think anyone can deny that all the main traffic to the north will take advantage of this road and will abandon the Howrah Bridge and Howrah altogether. We have already seen, since the Chittaranjan Avenue has been open up to Manicktallah Spur, what a great increase in motor traffic there has been along this road. At the present moment, the

motor traffic is handicapped to a great extent by the narrow Barrackpore Bridge and by the closure of the Chitpore Bridge. When these two bridges are reconstructed, this will open out great possibilities of development. Therefore, I strongly urge upon this House the great necessary of taking this project in hand.

Dr. BIDHAN CHANDRA ROY: May I ask the hon'ble member how long will it take to widen the Barrackpore Road?

Mr. A. MARR: The Lockgate Road joins the Chitpore Bridge to the Barrackpore Trunk Road. The Barrackpore Road is a matter for the Government and not for the Trust.

Dr. BIDHAN CHANDRA ROY: When this question came up on the last occasion, I objected to it on what I may say the question of principle. In the first place, I entirely agree with the Hon'ble Sir James Donald when he says that if you have got to get it through, why not commit yourself to an amount if you find that that would mean less expenditure than in future. Some years ago, when I started practice, I bought a piece of land near the junction of Dhurrumtollah and Wellington Street. My engineer told me that if I took the adjoining plot of land of 5 cottahs probably later on, it would be cheaper in the long run and would be much more paying. But I am surprised to find that an astute financier like Sir James Donald should try to commit the Council to an expenditure at this stage until he has been able to prove the first proposition that was put before us, and that is that there has been an insistent demand for this bridge. May I ask the Hon'ble Member whether there has been any demand on either side of the river Hooghly—I mean from such areas as Baranagar, Kamarhati, Bally, etc. May I ask the Hon'ble Member whether there was any public meeting, except the one which was held at the Rotary Club and which, I take it, was held in the interest of a particular section—I am going to refer to it presently—of any sort where the majority of the Indians had expressed any opinion in the matter? May I also ask the Hon'ble Member again whether it would not have been much more fair to us if, when he asked for Rs. 10 lakhs last year, he had asked the engineer to give us a complete cost of the scheme and to make the researches which he has done now so that we could have then known what we were going to be committed to. There is a Bengali maxim—ইঞ্চি হয়ে চোকা, কাল হয়ে বেরুন—which means that you give an inch and you take a yard. We object to it, because we feel that the provincial revenues ought not to be mortgaged as it were for a certain period for purposes of the development of the areas on either side of the bridge. Mr. Marr has just now told us that it would take 8½ years to complete the Trust operations, and although he has given us assurance that the work will be done as quickly as possible, from our

past experience of the Trust operations we can safely take it as 15 years. Therefore, until that year comes even on his own showing not only will the demand not be there, but at the same time you will not have sufficient demand for roadways to the Bally Bridge. There are two ways from which to look at the question—either you create a demand for providing a supply or you wait for the demand and then you give the supply. If I followed Sir James Donald's speech correctly, I thought he would wait till there was a demand and then he would be prepared to supply. But Mr. Marr wants to go on with these roadways which he thinks would be completed in 8½ years' time as more people would be using them.

The next point which I want to impress on the House is this: The Hon'ble Sir James Donald has said that he will not take a loan as it were, but he will take Rs. 2 lakhs out of the grant of the Public Works Department for the next 50 years. If I am wrong I will stand corrected. What I heard him say is this: That this Rs. 2 lakhs will be paid out of the grant which is given to the Public Works Department, and I fail to see how he can assure us that for the next 50 years the amount of the grant that will be given to the Public Works Department will remain the same and Rs. 2 lakhs taken out of it or the amount will increase by Rs 2 lakhs and then this Rs. 2 lakhs will go towards paying interest and sinking fund charges. This, I am quite sure Sir James Donald understands, is tantamount to giving with one hand and taking it away with another. You ask for an extra grant next year and then you say, I am paying this out of the Public Works Department grant.

My last point is that, as far as I am aware, only the mill-owners on either side of the Hooghly will be benefited by this scheme, as their goods have got to go across the river from one side to the other. Therefore, I fail to see why if it is to meet a local demand among a certain class of people, that particular class of people should not be called upon to contribute to a certain extent towards the construction of roadways and pathways upon the Bally Bridge. Therefore, Sir, on these grounds I regret to say that in spite of the very illuminating letter that has been sent round to us by Mr. Dutt, I fail to bring myself to agree to this grant which has been asked for the Bally Bridge.

Dr. PRAMATHANATH BANERJEA: Sir, the opposition to this demand has been led by two of my friends, Rai Harendranath Chaudhuri and Dr. Bidhan Chandra Roy. I am very sorry to find that both these gentlemen are devoid of a sense of humour. Rai Harendranath Chaudhuri made a somewhat long speech, which was full of facts and figures. He based his opposition to the demand on several important grounds. But I find that he has taken the Government a bit too seriously. His first objection is that Sir James Donald is inconsistent

in his attitude. Well, supposing that is so, how can you prevent it? Inconsistency has never been regarded as a vice by Government, nor has constituency been regarded as a virtue. Secondly, Rai Harendranath Chaudhuri has told us that Government is breaking its promises. Does not Rai Harendranath Chaudhuri remember the words of the late Sir Surendranath Banerjea who used very often to say, "The history of British administration in India is strewn broadcast with fragments of broken pledges?" Thirdly, my friend says that the Government has increased the estimate from Rs. 32 lakhs to Rs. 36¼ lakhs; but what does it matter? It is only a question of Rs. 4¼ lakhs. And is it not a paltry sum for a rich province like Bengal? Lastly, my friend says that there are so many other and more desirable projects on which this money could be spent. But he forgets that the relative importance of the various subjects has never appealed to Government. So, I am very sorry that my friend has used arguments which will never appeal to a Council constituted like ours. My friend, Dr. Bidhan Chandra Roy, has also made a fairly long speech, trying to prove that the project is not necessary.

6-30 P.M.

He has asked the question: Have the Indian inhabitants on both sides of the Bhagirathi asked for the bridge? But that is neither here nor there. It is not in the interests of the Indian inhabitants that the roadways of the bridge are going to be built. My friend has answered his own question by saying that they are going to be built in the interests of the mill-owners. The mill-owners have come to exploit the country; and if the roadways are to be made in their interests, why should there be any objection?

The Hon'ble Sir JAMES DONALD: I should like to make the position clear. Some members appear to be under the impression that this money is wanted at once. This is not so. It is a proposal that we should raise a loan to meet a commitment. Of the total money required (Rs. 36¼ lakhs) we are already committed to a part, that is Rs. 10 lakhs, and at any rate, we shall have to provide for this Rs. 10 lakhs. I have made this demand for Rs. 36¼ lakhs, which includes our commitment of Rs. 10 lakhs. I have put it all together to show the total amount. The position is that if we want the roadways now, we must say so now, while construction is going on. We do not want the money now; it will be paid as it is wanted; the payments will be spread over 4 to 5 years as required. As regards the reference to my remarks on the "insistent demand" I may say that although we were not sure when the demand for the construction of these roadways would be made, we have now been told by the engineers engaged in the construction of the bridge that this is the appropriate time, because if we do not build these roadways now, we will be landed with a much heavier

expenditure, later on, and would be put to very much inconvenience. It is for this reason that we ask the Council to agree to commit themselves to the expenditure.

As regards the remarks in reference to the certainty that Government will abide by the decision to meet the expenditure entailed from the normal Public Works Department allotment, I would point out that this Council, which votes the Public Works Department grant annually has it in its power to see that this undertaking is fulfilled.

It has been said that I had stated that the whole cost of the scheme would be not more than Rs. 32 lakhs. I never made such a statement. I used the words about Rs. 32 lakhs. Well, there are always some changes in estimates owing to factors which were unforeseen. And it is well known how estimates and awards for land acquisition vary and many awards even undergo alteration at various stages. Such awards are usually larger than the estimates on which a project is based, and that is what has happened in this case. And to some extent the estimates are now more detailed, and we know more accurately the estimated cost.

Then there is another point. This bridge is needed for the convenience of Calcutta. Possibly, some of you have noticed in the papers the inconvenience that will shortly be experienced on the Howrah Bridge now that the bridge is under repair. You will thus see how urgently another bridge is required for Calcutta. It has been said that there is no demand from Indians for this bridge, that this bridge is not needed for the Indian inhabitants, but for the convenience of the mill-owners. May I repeat again that the Calcutta Corporation was strongly of opinion that roadways for foot traffic should be provided on the Bally Bridge. The Corporation itself considered that the Bally Bridge was necessary for the convenience of Calcutta. Unless we raise this loan, how can we meet the wishes of the Corporation regarding these roadways? I would again strongly impress on the Council the desirability of agreeing to this proposal.

The following motion was called, but not moved:—

"Srijut JOGENDRA NATH MOITRA to move, by way of amendment, that in the motion of the Hon'ble Sir James Donald for the words and figures 'a loan of Rs. 36¼ lakhs be raised,' the following be substituted namely:—

'a committee consisting of two official and three elected non-official members of the Council be appointed to consider the position and desirability of raising a loan of Rs. 36¼ lakhs'."

The motion of the Hon'ble Sir James Donald was then put and division taken with the following result:—

AYES.

Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Altaf.
Chakravarti, the Hon'ble Mr. Syamkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Sir James.
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. C. M.
Forrester, Mr. J. Campbell.
Ghosh Maulik, Babu Satyendra Chandra.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Habibullah, Nawab Khwaja.
Hamilton, Lieutenant-Colonel W. C.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, Nawab Musharruf, Khan Bahadur.
Husain, Maulvi Latafat.
James, Mr. F. E.
Kellock, Mr. C. deM.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. S.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Maguire, Mr. L. T.
Marr, Mr. A.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nazimuddin, Mr. Khwaja.
Oaten, Mr. E. F.
Ordish, Mr. J. E.
Phelps, Mr. Trevor J.
Philip, Mr. J. Y.
Prentice, Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Saohse, Mr. F. A.
Sarbadhikari, Dr. Sir Deva Prasad.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Skinner, Mr. S. A.
Stuart-Williams, Mr. S. C.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

NOES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Atiqullah, Mr. Syed Muhammad.
Bagchi, Babu Rames Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Nuq, Khan Bahadur Maulvi Ekramul.
Husain, Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Sarada Kripa.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukarjea, Srijut Tarakanth.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Shamsur.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

The Ayes being 60 and the Noes 47, the motion was carried.

[At 6-45 P.M. the Council was adjourned, and it reassembled at 7 P.M.]

LEGISLATIVE BUSINESS.

Government Bills.

The Bengal Borstal Schools Bill, 1927.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I beg to introduce a Bill to make provision for the establishment and regulation of Borstal Schools for the detention and training of adolescent offenders.

The Secretary then read the short title of the Bill.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I beg to move that the Bengal Borstal Schools Bill be taken into consideration.

In doing so, Sir, I shall confine myself only to a short statement.

The Indian Jail Committee have said with regard to the adolescent criminal that "the increasing amount of freedom enjoyed, the gradual weakening of home restraints and the development of the sexual instinct combine to make this the most critical period of life, when the mind is specially susceptible to fresh impressions and when it is peculiarly important to prevent habits of immorality and crime from being formed." It has been long ago recognised that in India sufficient attention has not been paid to the juvenile offender. At present, Bengal is behind other provinces in this respect, especially Madras, where much more attention has been given to reformatory treatment and after-care of prisoners. The object of the Borstal Schools Bill is to provide for the detention of adolescent offenders in a Borstal institution instead of in jail, for their training in that institution and for their after-care on release. Prisoners are to be treated as adolescents between the ages of 16 and 21. At present, there is no special provision for offenders between these ages.

Under the Bengal Children's Act, 1922, which has been applied now to Calcutta, Howrah and certain suburban areas, offenders under the age of 14 can be sent to an industrial school, and those between 14 and 16 to a Reformatory School. The Juvenile Jail, Alipore, has recently been converted into an Industrial and a Reformatory School (separate schools). These schools receive young offenders from the Criminal Courts having jurisdiction in the areas to which the Act has been applied.

In other parts of Bengal, the Reformatory Schools Act, 1897, applies, by which youthful offenders (which in this Act is defined as those under 15) can be sent to the Reformatory School at Hazaribagh (Bihar and Orissa). But except in the area to which the Children's Act has been extended, there is no special provision for offenders under 14.

As regards offenders between 16 and 21, there is no special provision at present. It is to remedy this deficiency that the present Bill is introduced.

The Bill, if passed, will put on a proper basis the school which has already been established at Bankura for offenders between 16 and 21. As at present established, it is in the nature of a special jail run on the lines of a Reformatory School. Under the Borstal Schools Act, it will become a Borstal School for the reformation of adolescent offenders who will be sent there from all parts of Bengal.

The idea of the Borstal institution comes from England. Borstal is, in fact, the name of a small town in Kent where such a system was first tried, and ever since, this system has been known all over the world as the "Borstal" system. There are at present four such institutions in England, three for boys and one for girls, and the number of inmates is over a thousand. In England young offenders with criminal tendencies, between the ages of 16 and 21, are sent to such institutions by order of a Judge of the High Court or a Court of Quarter Sessions. Most of those sent to Borstal institutions have been convicted more than once, many are mentally tainted or weak-minded, and nearly all have poor physique. The maximum sentence in England is 3 years and the minimum two. It has been found by experience in England that at least two years' detention is necessary to produce good results. A very thorough industrial training is given, as well as primary education and indoor and outdoor games.

At the end of the period of training, they are let out on license, the period of license usually covering two years. During this period, they come under the care of the Borstal Association who endeavour to find employment for them, act as their friends and helpers and also undertake to see that the licenses under which the lads are discharged are obeyed.

This Association is a charitable association recognised and helped, financially and otherwise, by the British Government. It performs a very important function, as a youth after passing through a Borstal School is in great need of friendly help and, without it, is very likely to relapse into crime.

Such is the general system in England. It has worked for several years with increasing success. The Association claim to reform about 70 per cent. of those who pass through their hands, which, considering the unpromising nature of the material, is a fairly good achievement.

The provision for after-care of inmates discharged from the Borstal institutions in Great Britain is the most valuable feature of the English system. Now, the question is: How far it is possible to adopt such a system in India? Well, Madras seems to have been successful to a very

great extent. In 1920, the Madras Government converted the District Jail at Tanjore into a Borstal School, and it has now about 450 inmates, which are received there between the ages of 16 and 21. This school is constituted under the Madras Borstal Schools Act, 1925, and on this Act the present Bill has been very largely modelled.

The after-care of lads discharged from the Tanjore School falls on the Madras Presidency Discharged Prisoners' Aid Society which has numerous district committees. In 1924, the District Committee at Tanjore transformed itself into a Borstal Association and now devotes itself especially to the after-care of Borstal boys. The problem of after-care of the lads is a very difficult problem in Bengal. It seems worth while noticing the method in which the problem is tackled in Madras. Two months before the release of each Borstal boy, intimation is given to the Secretary of the Borstal Association. Boys who require help are interviewed by the Secretary who at once does his best to help them. In some cases, employment is found for them in a public or private institution. In other cases, the boy states the place where he wants to go, and intimation is sent to the District Committee within whose jurisdiction the place is, and the boy is put under the care of a probation officer. Some such organization to look after these lads in whatever part of Bengal they may go is absolutely essential if the Borstal School treatment is to be a success. The great difficulties to be contended against are the apathy of the public and the reluctance of employers of labour to engage ex-convicts as servants or workmen. There are many philanthropic activities in Bengal, and I cannot see why this should not be one of them. Government realise the importance of such organisations and have provided in this year's Budget Rs. 3,000 for expenditure on the after-care of juvenile offenders, which the Council have voted. But so far the Government are puzzled how to spend the money. Here is where public sympathy and active co-operation is essential. It is unfortunate that so far there is no sign that any Association is willing to take up this work. Unless a lad can find friends and honest employment on release, it is hopeless to expect him to reform.

The Inspector-General of Prisons has already approached the Calcutta Prisoners' Aid Society to ascertain whether that Society could extend their operations so as to look after all or the great majority of youthful offenders, especially those released on license from the Reformatory institutions. It is regretted that the Society has intimated its inability to cope with such a gigantic task. Government are, however, still hopeful that this or some other Society will undertake the work.

I now appeal to you and, through you, to the Council, that the members will be good enough to see their way to impart a feeling among their constituents that this Bill is absolutely essential if the Borstal institution is to be a success, and I hope that they will help me and the Government to organise and build up such a school in this province.

7-15 P.M.

Babu BIJOY KRISHNA BOSE: I freely acknowledge that the idea underlying the Bill is an extremely good one, but the Bill itself is not in a form which appeals to us. It has numerous defects. All the same, I think I may speak out on behalf of my friends on this side that we are not going to oppose the Bill, though I am quite sure that this Act will require an amendment within a very short period of time.

I had occasion to discuss with the Hon'ble Maharaja Bahadur on the various provisions of this Bill. But I stand in an unfortunate position in that I find myself muzzled and gagged by the Legislative Department which has informed me that the amendment of which I had given notice for the improvement of this Bill—as I thought—require the sanction of the Government of India and, unfortunately, there was not much time for me to get the sanction of the Government of India. Though I did not at all agree with the letter of the Department that amendments to certain Bills require the sanction of the Government of India under section 80A of the Government of India Act, I had no option but to submit. However, that is a large question, and I appeal to you as the custodian of our rights and privileges to say whether amendments to a Bill require the sanction of the Government of India. There are rules which are called "Previous Sanction Rules" under which previous sanction of Bills is necessary, and there are provisions in those rules which say that if a Bill is shaped in a form in the Council which requires the sanction of the Government of India, the Governor of a province will reserve the Bill for the Governor-General to give his assent to it in the amended form. That is a point which I would leave to you to decide.

So far as the Bill is concerned, it strikes me that one of the principal defects of the Bill is that there is no provision for the after-care of the adolescent offenders who will be discharged from the Borstal School. I do not think that Government will find money for more than one or two schools to start with. If I am not mistaken, the idea is to start a Borstal School in the Bankura Jail where there would be accommodation for a limited number of youngmen only. There are about 20 to 22,000 prisoners released every year from the different jails in the province, and I am not quite sure if the number of offenders between the ages of 16 and 21, who are discharged from these jails, would not be 4 to 5,000 a year. The accommodation in one such school is for 240 boys only, but where would all these boys who had been convicted by the Magistrates remain? I do not know where they can remain until accommodation was found for them in the Bankura Jail. Therefore, there ought to be a provision in this Bill for selecting several local jails in the province where these youngmen from the ages of 16 to 21 could be kept apart from the adult prisoners and where, if not the full

system, at least a modified system of Borstal training might be given to them. Even in the Madras Presidency, there is a modified Borstal institution in Tanjore, but there is no such provision in this Bill.

Then there is no provision for after-care of these people who are discharged from these Borstal Schools. It might be a good thing if, before these boys were discharged from the school, the Inspector-General of Prisons could communicate with their parents or relations, or if there be a non-official agency or non-official body, consisting of the Chairman of the Local Board, the President Panchayat or, if necessary, the Circle Officer of the places of residence of these youngmen to take care of these boys after their discharge from the Borstal Schools. I think that this could be easily provided for in the rules, as there is a clause in this Bill for making rules. I have looked up the Children's Act of 1922, section 48 (*g*), which provides for the after-care of children after their discharge from jails. Why, under this Bill, when passed into law, provision should not be made for after-care by means of rules I fail to understand. I submit, Sir, that the whole of the training given to these boys in the Borstal School would be thrown away, if after discharge they drifted again into their former career of crime; and if, after their discharge, say at the age of 23, they are again convicted by a Criminal Court, I am quite sure they will be sent to jail and will have to mix with adult prisoners; so the whole training which might be given to them during the 3 or 4 years they are kept in the Borstal School would be of no avail, and they would be classed as adults and mixed with the latter in jails. Therefore, I think there ought to have been some provision for after-care. I would not object to this Bill being passed, but sanction might be obtained by the Department from the Government of India, if necessary, under the Act for amending the Bill on the lines proposed by the several amendments that have been tabled and for making the necessary provision for after-care and for the starting of modified Borstal Schools in selected local jails. I shall not trench on the points raised in the several amendments which will be discussed to-morrow, but on the general principles I think there are three points which the Hon'ble Member in charge might note and, if he is so advised by his Department, he might obtain the sanction of the Government of India. I have already referred to two points, namely, the provision for a modified Borstal system of training and the provision for after-care: the next is the inclusion of section 562 of the Code of Criminal Procedure in this Bill. Sir, you will find in one of the sections of this Bill that people who fail to give security under section 106 or under section 118 of the Criminal Procedure Code would be dealt with under this Bill. Now, section 118 deals with habitual offenders, *badmashes*, regular cheats, etc., and if they fail to give security under that section they will be sent to a Borstal School. When section 562 was pressed by me, the Hon'ble Maharaja, I was told—I have got the opinion of the

Legal Remembrancer in writing—that the inclusion of section 562 would not be necessary. Section 562 deals with what are called "first offenders," and if provision be not made for first offenders but for old offenders being sent to Borstal Schools, it seems to me to be very incongruous, and I think there ought to be some provision for sending to a Borstal School the first offenders under section 562. It has been said on the authority, I believe, of the Legal Remembrancer that when a man convicted under section 562 as a first offender fails to give security *status quo* is obtained, namely, there is an option on the Magistrate to send him either to jail or to a Borstal School. I venture to disagree with such high authority, and fail to see how that *status quo* is obtained. There will be a provision specifically in the Borstal Act for people who fail to give security under sections 106 and 118, Criminal Procedure Code. Now, the only other section, which relates to furnishing of security, is section 562, and this section is not included in the proposed Bill. In order to remove the defect, I think section 562 ought to be included along with section 118 in the Bill. These are the general observations I desire to make now. I, however, reserve my remarks on the other amendments, and when they are moved I will say what I have to say on them.

Mr. J. CAMPBELL FORRESTER: Mr. President, Sir, I wish to give my whole-hearted support to this Bill. This is a Bill, Sir, the principal complaint I have to make against it is that it ought to have been introduced years ago. Sir, I am glad to find that the Government is now turning its attention to the improvement of its criminal laws; one has only to spend a little time in our Police Courts or assizes to watch the prisoners as they are put in the dock for trial; every now and then interspersed amongst the trivial and accidental cases appears one whom an expert criminologist condemns by his face, for there you will find written in his face the human jackal, fox, tiger, the ape or compound of them all; some story of robbery or violence is told, the evidence is incontrovertable, and the accused is found guilty. Then, and quite properly—not till then—up gets an official and unfolds a blue paper and reads therefrom a long list of previous convictions and record sentences whose growing length soon put out of mind any other feeling than that of wonder how the man can have lived long enough to have served them all; he stands convicted, a hardened habitual criminal; another sentence is added to the list, and he disappears for the time. When he is turned lose again, it must follow as the night the day, he will return to his only business, that of preying on society, and the training and breeding of others like unto himself. There is no hope, or at least no reasonable explanation, that it will be otherwise. Surely, this is a crazy system of dealing with the criminal classes. This Borstal system is a move in the right direction—while one must recognise there are types of men who ought no more to be let lose on society than

should a wolf or a rattle-snake. It is the born neurotic among whom the sub-class of habitual criminal is found, the man or woman who preys upon society, who occasionally robs, swindles or murders for gain, in whom the ape and tiger nature is unquenched or unquenchable, who goes astray from his mother's womb, that is a distinct species or sub-species of the order and all criminologists, Governors of Prisons and others who have to do with criminals recognize this type, and many consider that like wild savage animals that when once captured they should not be turned loose on society, kindness, discipline, nothing will alter this type. They have inherited this terrible disease; nothing on earth will cure it. I refer to the born habitual criminal, but when we come to the ordinary criminal, then it has been clearly proved that mercy and charity, tampered with firmness, produce better effects on the government of men than any amount of anger or vindictive cruelty, and nature answers the voice more readily than the spur.

This is the Borstal system as described in England—for one does not see the bad old prison ways. Anything less like a convict gang than the set of boys to be seen working in the tin-shop can hardly be conceived. Except for the absence of chatter, it might be a tinman's workshop anywhere else in the wide world. It was cleaner than most workshops, lighter, brighter, with less of muddle and mess, and the workers too, were cleaner, more robust, not so pastyfaced and worried-looking as are most workmen in the shops outside the prison walls. The sort of things they make are japanned string boxes, japanned boxes for holding letters and coal scuttles—all to be used in Government offices —all these are made from start to finish.

The Borstal system originated in England, but was much improved upon in America. When Borstal receives a prisoner, it does not regard him as an offender upon whom a certain definite amount of suffering must be inflicted, but as a human being who has got twisted at the start and who must be put straight again.

For mind as well as body, that is the note of the Borstal treatment.

Borstal Association: Even when the prison gates are thrown open and the patient is a free man again, the Borstal system has not done with him. Then comes the time for the Borstal Association to play its part. The Borstal Association is a committee of gentlemen who voluntarily give up much of their time and activity to looking after the discharged prisoner at what is, perhaps, the most critical period of his life—the period of his newly-regained liberty when he is free to choose whether he will drop back among his old companions and into his old ways, or whether in some new and better environment, perhaps in another country he will make right use of the knowledge and the discipline that are his. A month before a lad is discharged, a member of this committee goes down to the prison to interview him, to see what sort of stuff he is made of, for what kind of work he is fitted, and to

learn his character from the Governor. On his release, he is escorted by a plain clothes officer to the officer of the Association, and the Association does all it knows to obtain work for him and to keep in touch with him. They visit his old home, they take stock of his family and surroundings, and decide whether it would be better for him to stay at home or go abroad; even if he relapses and is again convicted their patience holds out. They keep a friendly eye upon him and try again. Thus the Borstal Association is supplementary to the Borstal system, which system, in the opinion of the committee, does not go far enough. What is needed, say the committee, is an extension of the present system of the conditional license on release from prison, so that the State may maintain control over a lad for a considerable time after his discharge and may resume more complete control by revoking his license if he shows that he is not yet fit for freedom. Make a healthy man of your criminal or prospective criminal, give him a sound well-developed brain to think with, and rich cleaned blood to feed it upon, and an opportunity to earn an honest living—then preach to him if you like. We have millions for sectarian universities, millions for foreign missions, but few dollars for the redemption of children of vicious propensities or corrupting opportunities who are the product of our own vicious social system. Every penal institution, every expensive process of criminal law is a monument to the stupidity and wastefulness of society, and expenditure of money and energy to cure a disease that might be largely prevented and more logically treated where not prevented. Punish less and teach more, blame less and encourage more, hate less and love more, and you will get not a lowering but a raising of the moral standard, not an increase in crime but a decrease. With these observations, I offer my whole-hearted support to the Bill.

Adjournment.

At 7-35 P.M. the Council was adjourned till 3 P.M. on Wednesday, the 24th August, 1927, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under t provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutt on Wednesday, the 24th August, 1927, at 3 P.M.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHUR of Santosh) in the Chair, the four Hon'ble Members of the Executiv Council, the two Hon'ble Ministers and 121 nominated and electe members.

Starred Questions

(to which oral answers were given).

Health of political prisoner Mr. Arun Chandra Guha.

*31. **Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Membe in charge of the Political Department be pleased to state –

(*i*) the condition of health of political prisoner Mr. Arun Chandr Guha; and

(*ii*) whether he is suffering from piles and blood poisoning?

(*b*) Is Mr. Arun Chandra Guha being removed to Bengal fo treatment?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'bl Mr. A. N. Moberly): (*a*) (*i*) He is reported to be in good health.

(*ii*) No.

(*b*) No.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state whether it is not a fact that Mr. Arun Chandra Guha has been suffering from boils for the last six months?

The Hon'ble Mr. A. N. MOBERLY: I want notice of this question.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state the date of the report regarding détenu Arun Chandra Guha?

The Hon'ble Mr. A. N. MOBERLY: It is a fairly recent report, but I cannot give the exact date.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state the name of the person who submitted that report?

The Hon'ble Mr. A. N. MOBERLY: I am sorry I cannot give his name. It was by an authority in Burma.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state whether the report was verbal or in writing?

The Hon'ble Mr. A. N. MOBERLY: It was not verbal.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to place the report on the table?

The Hon'ble Mr. A. N. MOBERLY: No.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member of opinion that a person who has been suffering from boils for the last six months and has had at least a dozen operations, is in good health?

Mr. PRESIDENT (the Hon'ble Raja Manmatha Nath Ray Chaudhuri, of Santosh): That is a matter of opinion.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that Mr. Guha has had a dozen operations carried out during the last six months?

The Hon'ble Mr. A. N. MOBERLY: No.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that all the remedies have so far failed in curing him?

The Hon'ble Mr. A. N. MOBERLY: No.

Mr. S. C. BOSE: Is the Hon'ble Member aware that there is a member of this Council who knows for a fact that Mr. Guha is not in good health and is he prepared to contradict this?

The Hon'ble Mr. A. N. MOBERLY: My information is based on information received from the officer in charge.

Use of mosquito curtain nets for catching "kakchi" fish at Dacca.

*32. **Mr. KIRAH SANKAR ROY:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that some fishermen of the district of Dacca are using mosquito curtain nets for catching *kakchi* fish; and

(*ii*) that the use of such nets is leading to the destruction of fish fry?

(*b*) What action, if any, are the Government proposing to take in the matter?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): (*a*) Government have no information on the subject.

(*b*) Inquiries will be made from the local officers.

"Jannaza" of a stabbed Muhammadan at Patuakhali.

*33. **Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that on the 28th June last some Muhammadan boys in the Patuakhali town announced by beat of drum, that the Hindu *goondas* had stabbed a Muhammadan to death and conducted the *Jannaza* procession in a most provoking way in direct violation of the order under section 144, Criminal Procedure Code, still then in force?

(*b*) Has any prosecution been started or action taken for this action of the Muhammadan boys?

(*c*) If not, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of POLITICAL [POLICE] DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) On the date mentioned, two Muhammadan youths announced the death of a Muhammadan who had complained that he and another Muhammadan had been stabbed by three Hindus on the 11th June and invited Muhammadans to attend the *Jannaza* prayer at the local mosque. With the permission and in the presence of the Subdivisional Magistrate the body was taken from the hospital to the mosque by four persons escorted by two constables. There was no procession.

(*b*) No.

(*c*) No offence was committed. All arrangements were made with the permission of the Subdivisional Magistrate.

"Korbani" at Patuakhali.

*34. **Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that in spite of his assurances in this House on the 28th February last in answer to clause (*d*) of question 54 (unstarred) put by Babu Saral Kumar Datta that "steps will be taken to ensure that in future places in which *korbani* is performed at Patuakhali are adequately screened" on the 11th June last several cows were again slaughtered in open places in face of the order under section 144, Criminal Procedure Code, issued specially against such action?

(*b*) Has any action been taken against the persons who committed such acts?

(*c*) If not, are the Government proposing taking any action in the matter?

The Hon'ble Mr. A. N. MOBERLY: (*a*) It is a fact that two complaints were made by Hindus that cows had been killed in the open.

(*b*) Two cases were instituted against the persons alleged to be responsible. One was withdrawn as the sacrifice could have been seen from outside only by persons who peered through a thick screen of bushes. The other case is *sub judice*.

(*c*) The question does not arise.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: Is it a fact that on account of the sacrifice of a cow in an open place, a feast in a neighbouring Hindu house overlooking the place was stopped?

The Hon'ble Mr. A. N. MOBERLY: I must ask notice of this question.

Mohsin Fund account.

*35. **Khan Sahib ABDUS SATTAR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is a separate account kept for the Mohsin Fund and its administration?

(*b*) If so, will the Hon'ble Minister be pleased to lay the account on the table?

(*c*) If no such account is kept, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. Byomkes Chakravarti): (*a*) Yes, in budget form.

(*b*) The account is laid on the Library table.

(*c*) Does not arise.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Minister consider the advisability of having these accounts audited by Messrs Viney and Thurston?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I find no necessity.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Is it shown in the budget as a *Mohsin* fund separately?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: No.

Status of copyists and typists in the offices of Civil, Criminal and Revenue Courts.

***38. Babu NAGENDRA NATH SEN:** With reference to the Budget discussions in March last, will the Hon'ble Member in charge of the Judicial Department be pleased to state what is the present position of the scheme to improve the status of copyists and typists in the offices of civil, criminal and revenue courts in this Presidency by taking them in the permanent list of salaried officers?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): No such scheme is under consideration.

Babu AKHIL CHANDRA DATTA: Is it in the contemplation of Government to take any action for improving the status of these copyists and typists?

The Hon'ble Mr. A. N. MOBERLY: No such scheme is under consideration.

Exemption of Moslem litigants, witnesses, etc., during extra holidays on certain occasions.

***37. Babu NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that while Moslem officers are allowed extra holidays on certain occasions, Moslem litigants, witnesses and jurors are not exempted from attendance in courts on such days?

(*b*) Is the Hon'ble Member also aware that there is some dislocation of business and consequent disadvantage to the public owing to the fact referred to in clause (*a*)?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) There is some dislocation owing to the fact that Moslem officers are allowed extra holidays on certain occasions.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state if it is a fact that in this Legislative Council a statement was made by Government that so far as the special holidays were concerned, they would be regarded as close holidays for all Muhammadans?

The Hon'ble Mr. A. N. MOBERLY: I am afraid I do not know.

Mr. D. N. ROY: What action does Government propose to take to avoid the dislocation?

The Hon'ble Mr. A. N. MOBERLY: That is a request for action.

Public Works cesses.

*38. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) the total number of persons who has paid the road and public works cesses in the year 1926-27; and

(*ii*) the total number of certificates issued for the realisation of cesses in that year?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*i*) Figures are not available.

(*ii*) 39,705.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Member be pleased to state if he thinks that the figures will be available later on?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: No.

Bengal Jail Enquiry Committee Report.

*39. **Rai HARENDRANATH CHAUDHURI:** Will the Hon'ble ...mber in charge of the Political (Jails) Department be pleased to state—

(*i*) why the whole of the Bengal Jail Enquiry Committee Report has been withheld from publication; and

(*ii*) why copies of the Report are not being sold to the public?

MEMBER in charge of POLITICAL [JAILS] DEPARTMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*i*) The Report has not been withheld from publication. Full copies were sent to the Press.

(*ii*) It was not considered that there would be a demand for copies for sale, so a limited number of copies was printed. However, the Report is now being made available for sale.

Mr. S. C. BOSE: Will the Hon'ble Member consider it expedient to circulate among the members of this House a copy of the report?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Those members who asked for a copy of the report, were given a copy; if the members want copies they will be available.

Rai HARENDRANATH CHAUDHURI: Is the Hon'ble Member aware that in the House of Commons the Under-Secretary of State for India made references to portions of the report which were not published in this country?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The full report was published. It is not possible for the Under-Secretary of State to have quoted anything beyond what was in the report.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Member aware that Earl Winterton said something about the examination of the étenus by the judges, which was not found to be a fact?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: This does not arise out of this question.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state when full copies were sent to the Press for publication?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I am afraid I cannot give the exact date, but it was sent to the Press soon after the report was received by Government.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state to which Press Agency copies of the report were sent for circulation?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The Associated Press of India and principal newspapers.

Mr. S. C. BOSE: Is the Hon'ble Member's information definite that full copies were sent to the Associated Press for publication?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Yes, that was the order issued by Government.

Mr. S. C. BOSE: Has the Hon'ble Member cared to enquire whether that order was carried out or not? If not, why not?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have had no complaint that this order was not carried out.

Mr. S. C. BOSE: Has the attention of the Hon'ble Member been drawn to the fact that the full report was not published in any paper?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: That was the fault of the papers if they did not publish it in full.

Mr. S. C. BOSE: Is the Hon'ble Member aware that Government publications are sent to the Anglo-Indian papers long before they are sent to the Indian papers?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: No.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if it is not the custom of Government to send to members of Council all reports without waiting for their being asked for?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I think it is laid down in the rules, and I would refer the member to them.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state why it is only in the case of the Jail Enquiry Committee's report only those members who asked for copies, got them and not others?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I think I have made this quite clear in my reply.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state to which rule he is referring to?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: May I ask the member to tell us what rule he is referring.

Appointment of head-masters of high schools as president of union boards.

*40. **Kazi EMDADUL HOQUE:** Is the Hon'ble Minister in charge of the Education Department aware that the appointment of head-masters of high English schools as president of union boards and as member of union courts and union benches interfere with their regular duties as head-masters?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: No, but Government will be prepared to enquire into any such case brought to their notice from this point of view.

Maulvi ABUL KASEM: Will the Hon'ble Minister be pleased to state whether he approves of school masters and head-masters working in any other capacity, such as members or Presidents of Union Boards?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I am afraid I cannot give any reply.

Education of girls.

*41. **Kazi EMDADUL HOQUE:** (*a*) With reference to the reply given on the 23rd March last to question No. 132 (*b*), will the Hon'ble Minister in charge of the Education Department be pleased to state whether Government have considered the question and taken any steps in that direction?

(*b*) Has any application been received in this connection from any locality?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) Yes. Government are prepared to give grants-in-aid, so far as funds permit, to any proposals received by them which they can approve. They cannot contemplate a scheme of provincialised model schools. Advance will be possible if the Primary Education Bill is passed.

(*b*) A communication, though not on these precise lines, was received from the District Board, Faridpur, on the subject of *maktabs* for girls.

Kazi EMDADUL HOQUE: Will the Hon'ble Minister be pleased to state what action has been taken, if any, with regard to the communication received from the Faridpur District Board?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: So far as I know, no action has been taken.

Kazi EMDADUL HOQUE: Will the Hon'ble Minister be pleased to state whether an application on the subject has been received from the Secretary, Young Men's Association?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I must have notice of this question.

"Tols" in Bengal.

*42. **Babu SATYENDRA CHANDRA GHOSH MAULIK:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the number of *tols* at present in Bengal?

(*b*) How much money is given as grants-in-aid to these *tols*?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) The number of *tols* on the 31st March, 1927, was 750.

(*b*) Rs. 26,000 from Provincial revenues.

Rai HARENDRANATH CHAUDHURI: Is the Hon'ble Minister aware that the Nathan Committee recommended larger grants-in-aid for *tols*?

The Hon'ble Mr. BYOMKES CHAKRAVARTI. Yes, but the recommendations have not yet been given effect to.

Rai HARENDRANATH CHAUDHURI: Is the Hon'ble Minister aware that the Nathan Committee was appointed to recommend what grants could be made to the *tols*?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: Yes.

Rai HARENDRANATH CHAUDHURI: Why is it that the recommendations of the Nathan Committee have not been given effect to so long?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: The matter is under the consideration of Government.

Rai HARENDRANATH CHAUDHURI: When was the Nathan Committee appointed?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I do not know.

Rai HARENDRANATH CHAUDHURI: Is it not a fact that the Nathan Committee was appointed in 1913?

Mr. PRESIDENT: Next question.

Fines prevalent in Bengal Government Press.

*43. **Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that in the Bengal Government Press there are many kinds of fines in force, viz., late fine, absence fine, pie sorting fine, pie-picking fine, special fine, average fine, etc.?

(*b*) If so, will the Hon'ble Member be pleased to lay on the table a statement showing the amount of fine so realised, year by year, for the last five years?

(*c*) Will the Hon'ble Member be pleased to state how the amounts so realised are utilised?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Sir James Donald): (*a*) Fines of various descriptions are authorised under the rules for the management of the Printing Department and these are applied as occasion for them arises.

(*b*) A statement is laid on the table.

(*c*) Fines are credited to the General Revenue of the Province.

Statement referred to in starred question No. 43 (b) showing the amount of fines realised in the Bengal Government Press, year by year, from 1922-23 to 1926-27.

	Rs.	A.
1922-23	... 4,021	5
1923-24	... 3,409	11
1924-25	... 2,843	14
1925-26	... 2,261	6
1926-27	... 2,231	7

Decision regarding the seniority of Government ministerial officers.

***44. Rai JADUNATH MAZUMDAR Bahadur:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether, within the same grade, the seniority of Government ministerial officers is decided according to the amount of pay they draw?

(*b*) Is it a fact that the seniority of a retrenched ministerial officer on re-employment is decided at the option of the office master who employs such a retrenched officer?

(*c*) Will the Hon'ble Member be pleased to state how the seniority of a re-employed retrenched ministerial officer when that officer is transferred to another department is determined?

The Hon'ble Sir JAMES DONALD: (*a*) The Member is referred to the reply to a question on the subject asked by Kazi Emdadul Hoque in the session.

(*b*) Seniority in such cases is determined by the head of the office, subject to the ordinary rules regarding appeals.

(*c*) There are no definite rules governing the question.

Grant of an allowance for religious worship to Bengal détenus in Mandalay Jail.

***45. Dr. BIDHAN CHANDRA ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether after the hunger-strike in Mandalay Jail in February, 1926 an allowance of Rs. 30 per head per annum was granted for the religious worship of each détenu belonging to Bengal?

(*b*) Is it a fact that up till now the détenus have been allowed to perform their religious ceremonies by pooling their allowances?

The Hon'ble Mr. A. N. MOBERLY: (*a*) In April, 1926, an annual allowance of Rs. 30 was sanctioned for every détenu in jail. This allowance could be spent on religious worship or in other ways according to the wish of the détenu. It has now been merged in the monthly allowance.

(*b*) Détenus are allowed to perform religious ceremonies, within reasonable limits, inside the jails, subject to the permission of the Superintendent. They are allowed to pool their allowances if they so desire.

Mr. SUBHAS CHANDRA BOSE: May I ask the Hon'ble Member what he means by the expression "within reasonable limits"?

The Hon'ble Mr. A. N. MOBERLY: The question is left to the discretion of the Superintendent of the Jail.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if it is open to the Superintendent to refuse permission to the performance of *Pujas*?

The Hon'ble Mr. A. N. MOBERLY: He does not prevent it.

Mr. SUBHAS CHANDRA BOSE: Am I to understand that during the *Pujas* détenus have a right to perform the ceremony whether the Superintendent is willing or not?

The Hon'ble Mr. A. N. MOBERLY: That is a question for the Jails Department.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state how it is possible for them to pool their allowances if they are not in the same Jail?

The Hon'ble Mr. A. N. MOBERLY: My answer is that if they are in the same place they can pool their allowances; if they are not, then they cannot.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that at present they are not able to pool their allowances because of the fact that they are distributed in jails all over India?

The Hon'ble Mr. A. N. MOBERLY: The distribution cannot be based on the question whether they can pool their allowances or not.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if the monthly allowances have been augmented?

The Hon'ble Mr. A. N. MOBERLY: My recollection is that the monthly allowance is slightly larger than it was before.

Mr. SUBHAS CHANDRA BOSE: Am I to understand that the present increase of allowance is an addition to the previous monthly allowance and the *Puja* allowance?

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice of this.

Détenu Srijut Hari Kumar Chakrabarty.

*46. **Dr. BIDHAN CHANDRA ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Srijut Hari Kumar Chakrabarty has been "interned" outside Bengal?

(*b*) If the answer to (*a*) is the negative, will the Hon'ble Member be pleased to state whether it is open to him to return to Bengal any time he likes?

The Hon'ble Mr. A. N. MOBERLY: (*a*) No, the order against him under section 11 (*1*) of the Bengal Criminal Law Amendment Act prohibits him from entering Bengal, but does not limit his movements outside that Presidency.

(*b*) The answer is in the negative.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state as to whether Hari Kumar Chakrabarty has been informed that his movements outside the Presidency of Bengal have not been limited?

The Hon'ble Mr. A. N. MOBERLY: The order has been served on him. I can place a copy of the order on the table, if desired.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if it is not a fact that the Bengal Criminal Law Amendment Act does not permit the externment of détenus who are already within the province of Bengal?

Mr. PRESIDENT: I am afraid I cannot allow that question. It is much too wide, at any rate, broader than the main question.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if he means that detenus who are already in jail can under the law be sent outside the Province?

The Hon'ble Mr. A. N. MOBERLY: I refer the member to the Act.

Reserved seats for Moslems in the Ashanullah School of Engineering at Dacca.

*47. **Khan Sahib ABDUS SATTAR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there are any seats reserved for Moslems in the Ashanullah School of Engineering in Dacca?

(*b*) Will the Hon'ble Minister be pleased to lay a statement on the table showing for the last three years—

(*i*) how many applications for admission by Muhammadan students were received in that school;

(*ii*) how many Muhammadan students were admitted; and

(*iii*) what was the total number of students admitted?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) A copy of Government order No. 3401 Edn., dated 14th November, 1924, reserving 25 per cent. of places for Moslem students in the Ahsanullah School of Engineering is laid on the table.

(*b*) A statement furnishing the particulars required is also laid on the table.

Letter referred to in the reply to clause (a) of starred question No. 47.

No. 3461 Edn., dated Calcutta, the 14th November, 1924.

From—Khan Bahadur A. ZAMAN, Assistant Secretary to the Government of Bengal, Education Department,

To—The Director of Public Instruction, Bengal.

With reference to your letter No. 6 T., dated the 29th September, 1924, I am directed to convey the sanction of the Government of Bengal to your proposal that with effect from the next session 25 per cent. of seats should be reserved for Moslem candidates seeking

admission into the Bengal Engineering College at Sibpur, and in the Ahsanullah School of Engineering, Dacca, on the following conditions:—

(1) That the admission standard of the institutions should not be lowered to secure the desired minimum percentage of Moslem admissions.

(2) That if a sufficient number of Moslem candidates does not come forward for admission by such fixed date as may be notified by the Principals concerned, the number of reserved places that may be still vacant may be filled up by qualified candidates of other communities.

Statement referred to in starred question No. 47 (b).

Year.	Number of applications for admission by Moslem students.	Number of Moslem candidates that turned up for interview.	Number of Moslem students admitted.	Total number of students admitted.
1924-25	76	22	9	130
1925-26	71	25	25	100
1926-27	25	13*	12	130

*Out of the total of 13 Muhammadan students who presented themselves, 12 were admitted, one though selected did not turn up for admission.

Supply of mosquito curtains to prisoners in jails.

*48. **Srijut NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware of the views of Sir Leonard Rogers about the efficacy of mosquito curtains towards the prevention of malaria?

(*b*) Are the inmates of the jails of this Presidency supplied with mosquito curtains?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) Yes.

(*b*) Only in Pabna Jail are mosquito nets supplied to all prisoners. At other places mosquito nets are provided in jail hospitals for prisoners who are suffering from malaria.

(c) Government have sanctioned mosquito nets in Pabna Jail as an experimental measure which may be extended to other jails if the results justify the heavy expenditure involved.

[3-30 P.M.]

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether the Government have any objection to prisoners supplying their own mosquito-nets?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: This suggestion has never been made and if it is seriously made then certainly the Government will consider it.

Sericulture Department.

*49. **Mr. S. C. BOSE:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that the Bengal Retrenchment Committee remarked in respect to the Sericulture Department that "the former policy of the Department did substantial good, and in the interests of economical administration we recommend that it be reverted to?"

(b) Are the Government considering the desirability of giving effect to the aforesaid recommendations of the Bengal Retrenchment Committee?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (a) The Retrenchment Committee remarked that "there is good reason to believe that the former policy of the Department did substantial good and in the interests of economical administration we recommend that it be reverted to."

(b) The present policy of Government is the same as that recommended by the Retrenchment Committee.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state if it is a fact that the Retrenchment Committee recommended the abolition at least of one superior post in the department namely, the post of Deputy Director of Sericulture?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I would ask for notice.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state if, since the recommendation of the Retrenchment Committee, any post of Deputy Director of Sericulture has been abolished?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: Again I ask for notice.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state when the final recommendation of the Retrenchment Committee was published? In which year?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I am afraid I cannot say off-hand. (Cries of resign.)

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state if he has himself taken care to read the recommendations of the Retrenchment Committee regarding his own department?

Mr. PRESIDENT: That is no question.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state if any recommendation has been made by the Retrenchment Committee regarding the cutting down of expenditure in the department of Sericulture?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: The answer is in the affirmative.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state if such a recommendation has been accepted by Government up till now?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: Some have been accepted and some have not.

Pabna occurrences during the communal disturbances.

***50. Maulvi ABDUL KARIM:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state with reference to the occurrences at Pabna in the month of July, 1926, how many Mussalmans and how many Hindus were injured in the course of the communal disturbances?

(*b*) Is it a fact that a mosque was entered into and desecrated by Hindu processionists and a number of Mussalmans injured inside the mosque premises?

(*c*) How many Hindus and how many Mussalmans have been finally convicted in connection with these disturbances and what sentences have been passed on each set of offenders?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Sixteen Muhammadans and three Hindus were admitted to hospital with injuries sustained in the course of the disturbance at Pabna. Government are unable to say how many others were injured.

(*b*) This is *sub judice*.

(*c*) Three hundred and eighty-nine Muhammadans were convicted and sentenced as shown in the attached statement.

The case in which fifteen Hindus are accused is *sub judice*.

Statement referred to in starred question No. 50 (c), showing the sentences passed on Muhammadans in communal cases in Pabna.

293 were sentenced to 2 years' rigorous imprisonment under section 147, Indian Penal Code.

25 were sentenced to 1½ years' rigorous imprisonment under section 147, Indian Penal Code.

11 were sentenced to 1 year's rigorous imprisonment under section 295, Indian Penal Code.

19 were sentenced to 1 year's rigorous imprisonment under sections 506/542, Indian Penal Code.

11 were sentenced to 1 year's rigorous imprisonment under section 147, Indian Penal Code.

18 were sentenced to 6 months' rigorous imprisonment under section 147, Indian Penal Code.

2 were sentenced to 2 months' rigorous imprisonment under section 147, Indian Penal Code.

3 were sentenced to 1 month's rigorous imprisonment under sections 379 and 352, Indian Penal Code.

1 was sentenced to 1 month's rigorous imprisonment under section 224, Indian Penal Code.

4 were sentenced to 1 month's rigorous imprisonment under section 147, Indian Penal Code.

1 was sentenced to 15 days' rigorous imprisonment under section 379, Indian Penal Code.

1 was fined under section 147, Indian Penal Code.

—Rajshahi Sericulture School.

***51. Babu SACHINDRA NARAYAN SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that the authorities have been contemplating the transfer of the Rajshahi Sericulture School from Rajshahi to Malda?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the transfer?

(*c*) Is the Hon'ble Minister aware that the indigenous silk-producers of the district will be handicapped if the school is transferred?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) Yes, Government are contemplating withdrawing their support from the Rajshahi-School and transferring it to a similar institution at Malda.

(*b*) The reasons which make a transfer desirable are that there is a much better field for the extension of the sericultural industry in Malda, more students of the right class are available there, a much larger area is under mulberry, and the students can get a far better practical training there.

(*c*) The silk producers in Rajshahi are few in number, and experience has shown that very few ex-students of the Hajshahi School take up the industry in after-life.

Maulvi ABUL KASEM: Will the Hon'ble Minister be pleased to state seeing that there is a better chance at Malda why should not both the institutions be allowed to go on in the interest of industry?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I ask for notice.

Mr. S. C. BOSE: Is the Hon'ble Minister aware that chotapolo seed is almost extinct now?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I ask for notice.

Mr. S. C. BOSE: Has the Hon'ble Minister never heard the expression chotapolo seed in connection with Sericulture?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: Yes; I have heard of it.

Mr. PRESIDENT: The Hon'ble Minister is not to answer a question which has not been allowed by the Chair.

Improvement of cattle.

***32. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement

showing the figures of latest cattle census in the districts of Murshidabad and Birbhum with special reference to the number of bulls thereon?

(*b*) What steps, if any, do the Government propose to take to improve the condition of bulls in those districts?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) A copy of the report on the cattle census of the Bengal Presidency, 1926, appendices to which furnish the information required is placed on the Library table.

(*b*) Paragraph 8 of the report referred to indicates the steps that have been taken for improvement of cattle in this Presidency. The cattle expert mentioned therein has since been appointed, and a scheme prepared by him for the improvement of breeding stock in this province generally is now under the consideration of Government.

Maulvi ABUL KASEM: Will the Hon'ble Minister be pleased to state by what time we may expect the Government to finish their consideration and come to a conclusion?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I cannot say that.

Audit of account of money spent in the Sundarban colonisation area of the Bakarganj district.

***53. Babu ROMES CHANDRA BAGCHI:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the account of money spent in the Sundarban colonisation area of the Bakarganj district is not audited like other Government accounts?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The answer is in the negative.

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: Is it not a fact that almost all contracts in the colonisation area are given to the relations of the colonisation officer?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: There is another question on this subject and I would rather not answer this at the present moment.

State prisoners and détenus.

*54. **Rai HARENDRANATH CHAUDHURI:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the names of persons now detained under Bengal Regulation III of 1818 and the Bengal Criminal Law Amendment Act, 1925;

(*ii*) the dates of their arrest;

(*iii*) the latest report regarding the health of each of them;

(*iv*) their weight when they were arrested;

(*v*) their present weight;

(*vi*) how many times each was reported to be ill during the period of detention;

(*vii*) on how many occasions there were hunger-strikes amongst them;

(*viii*) the names of the détenus who were involved in the hunger-strike; and

(*ix*) the number of days for which the hunger-strike continued on each occasion?

The Hon'ble Mr. A. N. MOBERLY: (*i*) and (*ii*) A statement is laid on the table.

(*iii*) to (*ix*) Government are not prepared to publish this information.

Statement of détenus under the Bengal Criminal Law Amendment Act and prisoners under Regulation III of 1818 in jail custody on the 17th August, 1927, referred to in clauses (i) and (ii) of starred question No. 54.

Name of détenu or State prisoner.	Date of arrest.
Jadu Gopal Mukharji	... 25-9-23
Purna Chandra Das	... 8-3-24
Pratul Chandra Ganguli	... 22-8-24
Arun Chandra Guha	... 13-1-24
Jyotish Chandra Ghosh	... 25-9-23
Satish Chandra Chakrabarti	... 13-1-24
Bapin Behari Ganguli	... 9-3-24
Satish Chandra Pakrashi	... 25-9-23
Charu Bikash Dutta	... 18-8-25

Name of détenu or State prisoner.	Date of arrest.
Bhupendra Kumar Dutta	... 25-9-23
Rabindra Mohan Sen Gupta	... 25-9-23
Ashutosh Bhattacharji	... 26-6-26
Abdul Raschid	... 8-11-24
Niranjan Sen Gupta	... 7-12-25
Nagendra Nath Sen	... 27-3-25
Nirmal Chandra Sen	... 29-7-26
Gostha Behari Mukharji	... 19-6-26
Bijan Kumar Banarji	... 13-1-27
Atul Chandra Dutta	... 14-1-27
Keshab Chandra Chakrabartti	... 24-2-27
Ashutosh Kahili	... 8-5-25
Girija Sankar Chaudhuri	... 24-11-25
Shyama Kumar Ghosh	... 20-8-25
Surja Kumar Sen	... 8-10-26
Sachindra Nath Dutta	... 19-6-26
Santosh Kumar Ganguli	... 19-6-26
Narendra Nath Sen	... 19-9-25
Surendra Mohan Ghosh	... 25-10-24
Trailakhya Chandra Chakrabartti	... 28-11-24
Panchanan Chakrabartti	... 25-10-24
Pratul Chandra Bhattacharji	... 25-10-24
Dhirendra Chandra Mukharji	... 16-8-26
Manmatha Kumar Sarkar	... 10-10-26
Panna Lal Mukharji	... 8-1-26
Jatindra Nath Das	... 25-11-25
Surendra Mohan Kar	... 25-11-26
Prafulla Kumar Chaudhuri	... 25-11-26
Narendra Nath Das	... 18-10-26
Purnananda Das Gupta	... 25-10-24
Ganesh Chandra Ghosh	... 25-10-24
Nalini Ranjan Sur	... 10-6-26
Jogesh Chandra Chatarji	... 25-10-24
Sachindra Nath Sanyal	... 25-2-25

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state why the latest report regarding the health of the detenus cannot be published? What reasons are there?

The Hon'ble Mr. A. N. MOBERLY: I gave my reasons yesterday

Mr. SUBHAS CHANDRA BOSE: Will you, Sir, as the custodian of the rights of this House allow the Hon'ble Member to evade an answer in this manner?

Mr. PRESIDENT: How can you call it evasive when the Hon'ble Member refers you to reasons already given by him?

Babu JITENDRALAL BANNERJEE: May I know if it depends entirely upon the sweet will of the Hon'ble Member to answer a question or not? Is it not a part of his duty to supply information to this House? Should you not compel him to do so?

Mr. PRESIDENT: I told you yesterday that there might be matters on which Government might refuse to give any information and I don't think any power has been given to me to compel Government to give an answer in respect of such matters.

Babu JITENDRALAL BANNERJEE: In that case if there is any valid reason for the Government to withhold the information, is it not the duty of the Member to give reasons why that information is withheld?

Mr. PRESIDENT: The reasons are not very difficult to imagine.

Babu JITENDRALAL BANNERJEE: It is very difficult for me to understand.

Mr. SUBHAS CHANDRA BOSE: Will the foundation of the British Empire be shaken if the report regarding the health of the détenus be published?

Mr. PRESIDENT: Order, order, these are not supplementary questions.

Mr. S. C. BOSE: Sir, you said, just now that the reasons are not difficult to guess. May I know if it is for the President or for the Hon'ble Member to answer that question?

Mr. PRESIDENT: I am afraid that is not a pertinent question. Besides, you are sadly mistaken, Mr. Bose. I did not answer the question put to the Hon'ble Member, but I said in reply to Mr. Bannerjee, who apparently addressed his remarks to me, that the reasons are not difficult to imagine.

Rai HARENDRANATH CHAUDHURI: Is it not a fact that the health reports of the détenus are furnished in the House of Commons in answer to question?

The Hon'ble Mr. A. N. MOBERLY: I have no information.

Babu AKHIL CHANDRA DATTA: Are we to understand that whenever it is inconvenient to answer a question Government withhold the information? Is that reason the obvious reason?

The Hon'ble Mr. A. N. MOBERLY: That is a very sweeping question. It apparently applies to all departments. It is a matter not of convenience but of policy.

Mr. S. C. BOSE: If the reasons for not publishing the information are so apparent will the Hon'ble Member be pleased to state the information?

The Hon'ble Mr. A. N. MOBERLY: I stated them yesterday.

Mr. J. M. SEN GUPTA: May I ask the Hon'ble Member, having regard to the disinclination that he has shown, to give the weight of the persons when they were arrested and their present weight? Is it a fact that his reason for not giving their weights during different periods is that in most cases their weights have gone down?

The Hon'ble Mr. A. N. MOBERLY: No. I made a statement on this subject in last February.

Mr. JOGESH CHANDRA GUPTA: Is the Government entitled to refuse to answer the few questions that are allowed by the President?

Mr. PRESIDENT: That point has already been decided; it should not be raised again.

Mr. JOGESH CHANDRA GUPTA: I am not asking about reasons. What I am asking is that is the Government entitled not to take any notice of questions which have been allowed by the President?

Mr. PRESIDENT: I am afraid you do not make out a case.

Mr. JOGESH CHANDRA GUPTA: My submission is this: some questions have been put by members of this Council; the Legislative Department has allowed them and sent them on to Government. Now is the Government entitled to ignore them altogether?

3-45 P.M.

Mr. PRESIDENT: But answers to such questions are on the paper. If you go beyond that, it is in the discretion of the Hon'ble Member-in-charge to give further answers off-hand.

Mr. JOGESH CHANDRA GUPTA: I am not talking of evasive or non-committal answers, but to questions which are altogether ignored.

Mr. PRESIDENT: What is your case?

Mr. JOGESH CHANDRA GUPTA: I am referring to some questions in February last which still remain unanswered.

Mr. PRESIDENT: I do not think we should waste the time of the Council over questions which were asked in February last.

Babu JITENDRALAL BANNERJEE: Has the Hon'ble Member wished us to understand that the question of comparative weight of certain inoffensive persons is a question of public policy?

Mr. PRESIDENT: That is a matter of opinion.

Mr. SARAT C. BASU: Will the Hon'ble Member be pleased to give the names of détenus whose weights at the present moment are the same as the weights in February last?

The Hon'ble Mr. A. N. MOBERLY: I expect there is some variation all through

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. It is apparent that we do not know all the Rules and Standing Orders. May I ask under what rule or standing order informations may be refused in answering to a question which has been allowed by the President?

Mr. PRESIDENT: I think it is implied by the rules that Hon'ble Members asked to give answers will use their own discretion in giving answers, unless the Chair determines the manner in which answers are to be given.

Mr. J. M. SEN GUPTA: May I remind that in the Assembly at Delhi and at Simla, the President often has said that that is no answer when an answer has been given by a Member of Government in such manner and that he has asked him to make an attempt to give a proper answer.

Mr. PRESIDENT: There is nothing extraordinary in that. If I ever find that an Hon'ble Member of Government has not answered a question without sufficient reasons, you may rest assured that I will do the same.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. After the information and the rule that has been given by the President, can we expect that the President will enforce the answers when they give no answers?

Mr. PRESIDENT: I do not think it is up to any member to demand an assurance like that from the Chair. On the other hand, if the member has any faith in the Chair, he may rest assured that such a step will be taken, if necessary.

Mr. SUBHAS CHANDRA BOSE: Will the Chair allow the Hon'ble Member to evade these questions when the Chair is the custodian of the House?

Mr. PRESIDENT: I take exception to the word "evade"; but, if the President finds that an answer is evasive, he will certainly take such action as he may deem fit and proper. It is more or less a matter of opinion.

Babu AKHIL CHANDRA DATTA: Is not the duty of the Government Members to state the reasons in this House at least to satisfy the President that it is a question which he cannot answer in the interest of the public?

Mr. PRESIDENT: I think you are right there. But I do not think any ruling is needed on this point as every question and every answer has got to satisfy the Chair.

Mr. SARAT C. BASU: Under what rule or standing order did the Hon'ble Member give the weight of a particular détenu in the last session of the Council?

The Hon'ble Mr. A. N. MOBERLY: I am afraid I may have erred on that occasion.

Amount granted to détenus in Burma for purchase of books.

***55. Dr. J. M. DAS GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(i) what amount has been granted to the détenus in Burma for the purchase of books since January, 1925;

(*ii*) what does the average per head per month come up to; and

(*iii*) which official is responsible for passing books for the détenus?

(*b*) Is it a fact that this power is not vested in the C.I.D.?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) There is no separate allowance for books in Burma. Books have been, and are, purchased by the détenus in Burma out of their monthly allowance.

(*ii*) Government have no information as regards the average amount spent per head on books.

(*iii*) and (*b*) Government are not prepared to publish this information.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that during the period I had the honour to live in Jail in Burma on two occasions separate allowances for books were sanctioned by Government?

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice.

Mr. SUBHAS CHANDRA BOSE: What is the amount of the monthly allowances?

The Hon'ble Mr. A. N. MOBERLY: I cannot say off-hand.

Mr. SUBHAS CHANDRA BOSE: Is it not a fact that the C.I.D. have no power of withholding or censoring the books, but, as a matter of fact, they do exercise that power?

The Hon'ble Mr. A. N. MOBERLY: I cannot say off-hand.

Dr. J. M. DAS GUPTA: If a sufficient number of books do not reach détenus, will the Hon'ble Member be pleased to state how they are to pass their leisure time?

The Hon'ble Mr. A. N. MOBERLY: I do not remember to have heard that the number of books is insufficient. May I also point out that if such questions are asked at the same time as the main question they can be answered, but it is difficult to answer them as supplementary questions.

Post of Inspector-General of Prisons, Bengal.

*56. **Dr. J. M. DAS GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that Government intend abolishing the post of Inspector-General of Prisons, Bengal?

(*b*) Is it a fact that there is a proposal for running the Jail Department directly under a Secretary of the Bengal Government?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) No.

(*b*) No.

Détenus Srijuts Jatindra Nath Das and Pannalal Mukharji.

*57. **Dr. J. M. DAS GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that détenus Srijuts Jatindra Nath Das and Pannalal Mukharji were on hunger-strike in the Mymensingh Jail some time?

(*b*) Is it a fact that thereafter there was a compromise with the authorities and the strike was given up?

(*c*) Is it a fact that after the termination of the strike they were suddenly transferred to a distant jail outside Bengal?

(*d*) Will the Hon'ble Member be pleased to state the reasons for the transfer?

(*e*) Is it a fact that they were in a weak state of health at the time of the transfer?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) The facts are that the détenus apologised for their behaviour to the Superintendent of the Jail and gave up the hunger-strike. The criminal case pending against them was thereafter withdrawn.

(*c*) and (*d*) They were transferred to another jail shortly after the termination of the hunger-strike in accordance with a decision which had been made some time before it took place. Government are not prepared to publish the locality of the jail to which they were transferred or the reasons for the transfer.

(*e*) No. They were certified by the Civil Surgeon as fit to travel.

Mr. SUBHAS CHANDRA BOSE: Is it not a fact that on that occasion the Superintendent of Jail also apologised to the détenus?

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice.

Mr. SUBHAS CHANDRA BOSE: Is it not a fact that the objec of the Government in transferring détenus was purely vindictive?

Mr. PRESIDENT: I do not allow that question.

Selection of internment centres.

*58. **Babu PRABHU DOYAL HIMATSINGKA:** (*a*) Will th Hon'ble Member in charge of the Political Department be pleased t state the reasons why the détenus are interned in malarious an unhealthy districts of Bengal?

(*b*) Is the Hon'ble Member aware that the districts of Jalpaiguri Birbhum, Burdwan, Murshidabad and Nadia are regarded as some o the unhealthy districts of Bengal?

(*c*) Will the Hon'ble Member be pleased to state why villages i the more healthy districts are not selected as internment centres?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Détenus are interned i every district, except Howrah. Most of the districts in North and Wes Bengal have the reputation of being malarious.

(*b*) Yes, but there are healthy places even in those districts.

(*c*) Such villages are selected.

Babu AKHIL CHANDRA DATTA: Is the Hon'ble Member awar that there is a general feeling in the country that only malarious an unhealthy places are selected as internment centres?

The Hon'ble Mr. A. N. MOBERLY: If there is such a feeling it i not based on fact.

Mr. SARAT C. BASU: Will the Hon'ble Member be pleased t state whether he would be willing to stay even a week with déten Madan Mohan Bhowmick?

Pay of the Veterinary Assistant Surgeons.

*59. **Mr. JOGESH CHANDRA GUPTA:** (*a*) Will the Hon'bl Minister in charge of the Department of Agriculture and Industrie be pleased to state—

(*i*) whether it is a fact that the Veterinary Assistant Surgeons o this province have been submitting repeated memorials t the Government praying for a general revision of their pa and allowance since 1920 and the Government have expresse desirability of redressing their grievances;

(*ii*) whether it is a fact that when their services were provincialised a time-scale similar to that allowed to the Sub-Assistant Surgeons was sanctioned to them and with that view their scale of pay was alike up till 1919;

(*iii*) whether it is a fact that the Sub-Assistant Surgeons have got their pay revised in 1921, but the pay of the Veterinary Assistant Surgeons has remained unrevised?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when the grievances are likely to be remedied?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) (*i*) The member is referred to the reply given to the unstarred question 19 (*a*) asked by Srijut Jogendra Nath Moitra in this session.

(*ii*) The service of Veterinary Assistants was provincialised in 1910. Their pay was fixed at Rs. 30—5 5—45, with a selection grade on Rs. 50. The pay of Civil Sub-Assistant Surgeons in 1910 was fixed on a graded scale at from Rs. 30 to Rs. 100. The scales of the two services were not alike up to 1919.

(*iii*) Yes.

(*b*) The member is referred to the reply to question 19 (*c*) (unstarred) of this session.

Mr. JOGESH CHANDRA GUPTA: What was the difference between the two scales up to 1919?

The Hon'ble Hadji A. K. ABU AHMED KHAN CHUZNAVI: I must ask for notice.

Arrest of Srijut Satish Chandra Chakravartty.

*80. **Dr. BIDHAN CHANDRA ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that when Srijut Satish Chandra Chakrabartty was arrested in the early part of 1924, he was confined in the Taltola Thana at first?

(*b*) Is it a fact that he was in custody in the Taltola Thana for nearly a month?

(*c*) Is it a fact that during this period he was never produced before a Magistrate?

The Hon'ble Mr. A. N. MOBERLY: (*a*) and (*b*) He was arrested on 13th January, 1924, under section 54, Criminal Procedure Code, and remanded in custody by the order of a Deputy Commissioner of Police, who was a Justice of the Peace, until 22nd January, 1924, when he was served with a warrant under Regulation III of 1818. During this period he was confined either in Taltola Thana or in some similar place.

(*c*) He was produced daily during this period before a Deputy Commissioner of Police, who was also a Justice of the Peace, but not before a Magistrate.

Mr. J. M. SEN GUPTA: Is the Hon'ble Member aware that the detention by the Deputy Commissioner of Police has been held by the High Court to be illegal.

The Hon'ble Mr. A. N. MOBERLY: I think that ruling was subsequent to January, 1924.

Late Ambika Charan Khan, a détenu.

***61. Dr. BIDHAN CHANDRA ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that during the first half of 1926, Srijut Ambika Khan, a détenu, committed suicide in the Alipore New Central Jail?

(*b*) Will the Hon'ble Member be pleased to lay on the table a copy of the report of the enquiry, if any, that was held in connection therewith?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

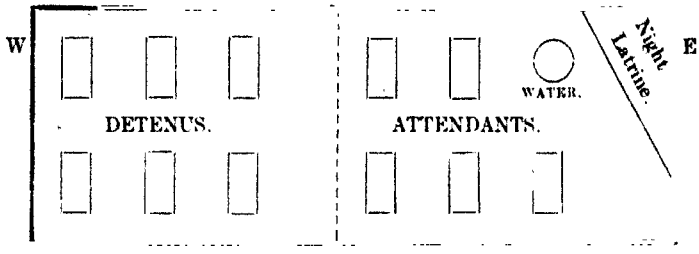
(*b*) The inquest was held by the District Magistrate, and a copy of the report is laid on the table.

Report on the death of Ambika Charan Khan, détenu in Alipore Central Jail on the 3rd April, 1926, referred to in the reply to clause (b) of starred question No. 61.

1. At 8-15 A.M., on the 3rd April, 1926, I received a message from Captain Mallya, I.M.S., Superintendent of the Alipore Central Jail, informing me that détenu Ambika Charan Khan was severely burnt the previous night and requesting me to come and hold an enquiry. I at once went to the Jail where I was informed that the détenu had died towards eight o'clock that morning. I went and saw the place where the incident had taken place, had the deceased's property and papers, etc., taken possession of and made preliminary

arrangements for holding an enquiry at 10 A.M. After viewing the body, I began the enquiry shortly after 10 A.M. at the "State Ward" where the incident took place. I examined two convict attendants, a warder, the Jailor, the Superintendent, one of the Sub-Assistant Surgeons and five of the détenus, who live in the same building with the deceased. The other détenus were asked if they wished to say anything and had nothing to add to what their companions had stated.

2. The State ward in which the deceased lived is a two-storied building 70 feet long × 18 feet broad, and is surrounded by a yard. The ward consists of two rooms downstairs and two similar rooms upstairs. The deceased with five other détenus lived in the western room on the ground floor and in the eastern room live the convict attendants who are employed as the détenus servants: the two rooms are divided by a grating of iron bars with a door which always remains open. In a corner of the eastern room is a night latrine behind a curtain. The sketch below shows the position:



3. On the night of the 2nd April all the occupants of the rooms were in bed and all lights out. Shortly after 11 P.M. one of the attendants saw one of the détenus go from his room to the night latrine in the corner and a few minutes later heard the détenu shout "Joy Matara." On looking up, he saw flames behind the curtain of the latrine. Raising the alarm, he ran and pulled aside the curtain and found a man with his clothes in flames. The man eluding him rushed into the west room where his burning garments set fire to the mosquito curtains of the two beds next the door and ran back again. One of the attendants promptly seized him and pulled off his burning clothes, getting burnt himself in doing so, while another poured water on him and on the burning fragments on the floor. The other détenus who had been aroused, extinguished the flames on the mosquito curtains before much damage was done. The electric light was turned on and the injured man was found to be Ambika Charan Khan. The Jail alarm had been sounded as soon as fire was noticed and the Superintendent, Jailor and others arrived very soon. Ambika was taken to the Jail hospital as soon as possible suffering from extensive

burns and was treated by the medical staff throughout the night. He died towards 8 o'clock the next morning. In the ward the Superintendent found a partially burnt shirt and a half burnt fragment of a *dhoti* both smelling of kerosine. Ambika's body also smelt of kerosine, and the lamp on Ambika's table had been emptied of oil. The détenus are supplied with reading lamps and kerosine, the electric light in the roof not supplying sufficient light for reading. In the corner a match box was found. These articles were produced before me. The evidence shows that Ambika had saturated his body and clothes with kerosine and deliberately set fire to himself. A copy of the Superintendent's report as to the injuries, treatment and the cause of death is enclosed. Prompt measures for his treatment were taken and everything possible was done. I accept the doctor's opinion that death was due to shock caused by extensive burns. The deceased was in a good state of health; there were no marks of any injury, except the burns, no signs of any disease and no symptoms of any kind of poisoning. The body was made over to his brothers in the evening. They live in Calcutta, and had been informed in the morning of his death; and a telegram was sent them to the Police Sub-Inspector of the thana where his native village is situated, to communicate the news of his death to his relatives there.

4. I tried to ascertain why Ambika committed suicide, but no clear immediate cause is assignable. Though he was conscious for a considerable time and was asked by the other détenus and the Superintendent, he made no statement. The only thing he said after he was injured was a request to the Jail Superintendent to see three of the détenus, whose names he mentioned, in the hospital. He died before they could go there. On the 2nd he was quite cheerful, and took his meal at 8 P.M. with the others. As one of them complained of a headache, they put out the electric light and went to bed at 8-30 P.M. Ambika was singing then, and just on going to bed asked the others to wake him at 10 P.M. as he wanted to read. No one did so. There was nothing unusual in this request as he sometimes read at night. He had never threatened to commit suicide, and his companions cannot assign any reason why he did so. Some of them have mentioned that he was disappointed on the 31st March when he was allowed to go to the Sambhu Nath Pandit Hospital to visit a brother for a few hours only whereas he had hoped to get seven days leave. But it does not appear that he had taken this much to heart: he made no mention of it afterwards. He was well-behaved, and the Superintendent never noticed any signs of abnormality. He wrote and received letters regularly, and had frequent interviews with his relatives. In common with the other détenus, he played Badminton and indoor games, had the use of apparatus for physical exercise, was given facilities for daily worship, received a monthly allowance of

Rs. 7 for books and papers and was supplied with books from the Imperial Library. Ambika was aged 19 and was in this jail for 8½ months. His jail ticket (enclosed) shows that he was admitted to the Presidency Jail on 19th November, 1924, was transferred to Bankura Jail on the 16th December, 1924, and came to the Alipore Jail in July, 1925. Détenu Amar Nath Ghosh who was with him here during the 8½ months and other détenus who have been his companions for the last 1½ months have spoken of certain characteristics of his. Though he would read and sing and play games with the others and was normally cheerful, he had short and apparently sudden periods of moroseness when he would sit and think, and occasionally he imposed a vow of silence on himself. He made no complaints of his treatment in Jail, but used to mention frequently of late to his companions that he was not being transferred, apparently finding the life tedious. He was apparently hoping for a transfer if not release, and used to ask the Superintendent if any orders had come. His papers do not disclose any abnormality or contain any reference to his attitude with the possible exception of one scrap of paper, found among his other papers. It is a list of toilet articles, and on the back of it are written disconnectedly the three words "unbearable" "fulfil" "idea." There is nothing to show when they were written or in what connection. My conclusion is that Ambika set fire to himself in a sudden fit of depression, and died of shock due to the burns thus caused. The other détenus, in whose presence I made enquiries, concur in this conclusion as to the manner and cause of his death.

A. CASSELLS,

District Magistrate, 24-Parganas.

The 5th April, 1926.

Alipore Central Jail.

Post-mortem Examination.

Class—Détenu. Name—Ambika Charan Khan.

Caste and sex—Hindu, male.

Recorded on first admission Height 5 feet 5½ inches. Weight 117 lbs. Age 19 years. Health good.

Admitted to hospital for extensive burns.

Last seen by Medical Officer and Sub-Assistant Surgeon at 7-50 A.M. on 3rd April, 1926.

Hour and date of death—7-50 A.M. on 3rd April, 1926.

Brief clinical history of case—Ambika Khan was admitted to hospital at 11-30 P.M. on 2nd April, 1926, with extensive burns of the whole body. The prognosis was very serious as the skin of the whole body was burnt. He was suffering from shock. He died of shock at 7-50 A.M. on 3rd April, 1926.

External Examination—How nourished—Well nourished.

Peculiarities of hair, teeth, scars, etc.—Hair of the head and eyebrows was burnt. The skin of the whole body was burnt. In places white patches could be seen. The body was smelling of kerosine oil.

Rigor mortis—Absent.

Hypostatis—Nil.

Decomposition—Nil.

Marks of external violence—Excepting the extensive burns, there were no marks of any injury or violence.

Conclusions and cause of death—Shock due to burns of the whole body. The body was not cut open at the request of the Intelligence Branch, neither was there any doubt about the cause of death.

I certify that détenu Ambika Charan Khan died of shock caused by extensive burns of the whole body.

Time of death—7-50 A.M.

Date of death 3rd April, 1926.

B. G. MALLYA, CAPTAIN, I.M.S.,

Superintendent and Medical Officer,

Alipore Central Jail.

ALIPORE,

The 3rd April, 1926.

Détenu Ambika Charan Khan was admitted at the Jail Hospital at 11-30 P.M. on 2nd April, 1926. He had extensive burns on the whole body. The skin of the thorax, abdomen, scrotum, upper and lower limbs was burnt completely, and in places white patches were visible. The hair of the head was burnt. His face was black. His body was smelling of kerosine oil. Picric acid dressings were applied to the whole body, except the head and face. He was suffering from shock. He was conscious at the time of admission to hospital, but would not answer any questions. Every endeavour was made to save his life. He died of shock at 7-50 A.M. on 3rd April, 1926.

Cause of death—Shock due to extensive burns of the 2nd degree. While alive in hospital, he made no statement about the burns. He did not show any signs or symptoms of any kind of poisoning.

B. G. MALLYA, CAPTAIN, I.M.S.,
Superintendent and Medical Officer,
Alipore Central Jail.

ALIPORE,
The 3rd April, 1926.

Political prisoner Mr. Jyotish Chandra Ghosh.

*62. **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that the political prisoner Mr. Jyotish Chandra Ghosh is suffering from melancholia in Insein Jail; and

(*ii*) whether there is an apprehension of his becoming completely insane?

The Hon'ble Mr. A. N. MOBERLY. (*i*) No.

(*ii*) No.

Bengal détenus in Ratnagiri Jail, Bombay.

*63. **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the names of the Bengal détenus in Ratnagiri Jail, Bombay;

(*ii*) what steps have been taken to provide the détenus there with food to which they are accustomed; and

(*iii*) what steps have been taken to provide them with attendants who can understand a language spoken by the détenus?

The Hon'ble Mr. A. N. MOBERLY: (*i*) Government are not prepared to publish this information.

(*ii*) and (*iii*) Government have addressed the Government of Bombay with a view to obtaining for the détenus comforts and privileges similar to those which détenus enjoy in Bengal jails, but they have left the details of these arrangements to the discretion of the Government of Bombay.

Rai HARENDRANATH CHAUDHURI: May I ask what reply, if any, has been received from the Government of Bombay?

The Hon'ble Mr. A. N. MOBERLY: No reply was called for.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Will the Government be pleased to make out a list of those matters for which they are not ready to give answers so that the members may not waste their time in asking questions?

Mr. PRESIDENT: This is not a point of order and I am not prepared to waste our time over it.

Motor Vehicles Bill.

***64. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state when the "Motor Vehicles Bill" is likely to be introduced in the Bengal Legislative Council?

(*b*) Are the Government considering the desirability of making provision for the regulation and restriction of passengers in buses and taxies?

(*c*) Is the Hon'ble Member aware that taxies are running in the district of Murshidabad with excess passengers?

(*d*) If so, what steps, if any, are the Government contemplating to take in the matter?

The Hon'ble Mr. A. N. MOBERLY: (*a*) The Member is referred to the reply given to unstarred question No. 30 asked by Maharajkumar Srish Chandra Nandi in this session.

(*b*) and (*d*) Such provision already exists in rule 45 of the Rules to regulate the use of motor vehicles in the Bengal Presidency other than in Calcutta and Howrah. A draft amendment making the driver or person in charge of a public motor vehicle responsible for overloading has been published for criticism.

(*c*) No reports to this effect have been received by Government.

Mr. SARAT C. BASU: Under what Act the rules referred to by the Hon'ble Member in answer to questions (*b*) and (*d*) have been framed?

The Hon'ble Mr. A. N. MOBERLY: Under the Motor Vehicles Act.

Mr. SARAT C. BASU: Bengal or India. I am entitled to an answer.

The Hon'ble Mr. A. N. MOBERLY: Could you give me the year of the Bengal Motor Vehicles Act?

Mr. SARAT C. BASU: I am here to ask questions and not to answer them.

The Hon'ble Mr. A. N. MOBERLY: The rules were framed under the Indian Motor Vehicles Act, 1914.

Mr. SARAT C. BASU: May I ask the Hon'ble Member to consult his colleague the Hon'ble Minister or his P. A., Mr. Jalil?

Unstarred Questions.

(answers to which were laid on the table.)

Extension of Jessore-Jhenida Light Railway line up to Magura.

33. Maulvi SYED ABDUR RAUF: (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether the extension of Jessore-Jhenida Light Railway line up to Magura has been sanctioned? If not, why not?

(*b*) When is the extension expected to be sanctioned?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Sir James Donald): (*a*) and (*b*) The project was recommended by this Government to the Government of India (Railway Board) in March, 1927. The question is now before the Railway Board.

Machines bought by the Bengal Government Press.

34. Dr. KUMUD SANKAR RAY: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to lay on the table a statement of the number of machines bought by the Bengal Government Press from 1911 to 1926, year by year?

(*b*) Will the Hon'ble Member be pleased to make a statement as to the amount, if any, realized as discount on the purchase of each machine?

(*c*) If any amount has been realized as discount will the Hon'ble Member be pleased to make a statement as to where it has been placed and how it is being expended?

(*d*) Will the Hon'ble Member be also pleased to lay on the table a statement showing for the years from 1911 to 1926, year by year—

(*i*) the number of machines and presses sold by the Bengal Government Press; and

(*ii*) the amount for which each was sold together with the original price for which each was bought as well as the date of purchase and sale of each?

The Hon'ble Sir JAMES DONALD: (*a*) and (*d*) The information in the form asked for is not on record, and the preparation of it would, in the opinion of Government, involve time and labour out of all proportion to its value when obtained.

(*b*) and (*c*) No discount is realized on the purchase of machinery.

Sale of waste papers in the Bengal Government Press.

35. Dr. KUMUD SANKAR RAY: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state whether the Bengal Government Press call for tenders with regard to the sale of waste papers?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reason for not doing so?

(*c*) If tender is called for, will the Hon'ble Member be pleased to lay on the table a statement showing, year by year, for the years 1915-1926—

(*i*) the names of the tenderers;

(*ii*) the names of persons whose tenders were accepted; and

(*iii*) the rates at which such tenders were given?

(*d*) Will the Hon'ble Member be pleased to lay on the table a statement showing, year by year, from 1915 to 1926—

(*i*) the amount realised from the sale of waste papers; and

(*ii*) how the amount was utilised?

The Hon'ble Sir JAMES DONALD: (*a*) and (*b*) The information as from 1915 is as follows:—

1915-16—Tenders were sold by auction through Messrs. Mackenzie Lyall and Company.

1916-17 to 1922-23—No tenders were called for. The contract was given to the Salvation Army at rates accepted by Government.

1923-24 to 1925-26—Tenders were called for.

(*c*) (*i*), (*ii*), (*iii*), and (*d*) (*i*) Statements are laid on the table.

(*d*) (*ii*) The proceeds are credited to the general revenues of the province.

Statement referred to in clauses (c) and (d) (i) of unstarred question No. 35 showing, year by year, from 1915-16 to 1925-26 (i) the names of tenderers for the purchase of waste paper from the Bengal Government Press, (ii) names of persons whose tenders were accepted, (iii) rates at which tenders were given out, and (d) (i) the amounts realised from the sale of waste papers.

Year.	Names of tenderers.	Name of person whose tender was accepted.	Rate of accepted tender.	Amount realised from the sale of waste papers.
			Per maund. Rs. A. P.	Rs.
1915-16	Sold by auction ..	Md. A. Samad ..	1 10 3	714
1916-17	....	The Salvation Army	1 6 0	992
1917-18	....	Ditto ..	2 0 0	2,125
1918-19	....	Ditto ..	3 0 0	4,301
1919-20	....	Ditto ..	3 8 0	3,186
1920-21	....	Ditto ..	3 8 0	2,633
1921-22	....	Ditto ..	3 8 0	4,531
1922-23	....	Ditto ..	2 0 0	3,072
1923-24	1. Babu K. P. Khettry ..	Md. A. Samad ..	1 2 0	2,600
	2. Md. A. Samad ..			
1924-25	1. Babu G. P. Sett ..			
	2. Babu K. P. Khettry ..			
	3. Md. Akbar Khan ..	Md. A. Samad ..	2 0 0	667
	4. Babu S. N. Das ..			
	5. Md. A. Samad ..			
	6. Munshi Ambar Ali ..			
1925-26	1. Babu G. P. Khettry ..			
	2. Babu K. P. Khettry ..			
	3. Md. Akbar Khan ..	Babu G. P. Khettry	2 1 0	791
	4. Babu S. N. Das ..			
	5. Md. A. Samad ..			
	6. Munshi Ambar Ali ..			

Publication of sale notices by the District Judge in a newly started weekly paper in Burdwan.

36. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that a newly started weekly paper in the district of Burdwan is being given the sale notices of the district by the District Judge for publication in preference to the old papers?

(*b*) Do the parties giving notices of sale for publication get a voucher copy free of cost? If not, why not?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) No: such a practice is neither necessary nor usual.

Pay of Munsiffs.

37. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact—

(*i*) that out of the total cadre of 245 Munsifs, 94 officers are drawing Rs. 700;

(*ii*) that some of the 94 officers are drawing this pay for over 5 years?

(*b*) Is the Hon'ble Member aware of a feeling of discontent in the service over this congestion and blocking of promotion?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) 71 and not 94 Munsifs are drawing Rs. 700 a month.

(*ii*) Yes.

(*b*) Yes.

Pirojpur Government School House Scheme.

38. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether the Pirojpur Government School House Scheme which was under the consideration of the Government as disclosed in reply given on the 28th February last to my unstarred question No. 67 has been finally sanctioned by the Government?

(*b*) When will money be provided for the scheme and when will construction of the buildings commence?

(*c*) Are the Government considering the desirability of expediting the matter?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) Yes.

(*b*) It is not known when money will be available. Construction will begin after the passing of the budget in which the necessary provision is made.

(*c*) The provision of funds for this scheme will be considered in the preparation of next year's budget.

Flood in the Chittagong district.

39. Khan Sahib ABDUS SATTAR: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether he is aware that various places of the district of Chittagong remain submerged in water during the rains?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of making an enquiry through some impartial and reliable persons?

(*c*) If the answer to (*a*) is in the affirmative, what steps, if any, are being taken in the matter?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) A case between Bhatiyari and Mirsarai on the Assam-Bengal Railway has been brought to the notice of Government.

(*b*) Does not arise.

(*c*) The matter is under enquiry and an estimate for examining the causes of the flooding has been sanctioned and funds allotted.

Facilities to Muhammadan prisoners for their prayers.

40. Khan Sahib ABDUS SATTAR: Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether facilities are accorded to the Muhammadan prisoners for saying their prayer, specially, *jumas* and two *Ids*?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The answer is in the affirmative.

4. P.M.]

Khan Sahib ABDUS SATTAR: Will the Hon'ble Member be pleased to state if there is any separate place set apart in the jail where prisoners can pray?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: They have their prayers in a separate yard.

Reserved seats for Muhammadans in Government Technical Institutions in Bengal.

41. Khan Sahib ABDUS SATTAR: Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state what is the present percentage of seats reserved for Moslem students in the Government Technical Institutions in Bengal?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: There is no fixed percentage of seats reserved in technical institutions under the Industries Department for Moslem students except in the case of the Serampore Weaving Institute where 25 per cent. of seats are so reserved. Further it appears that no eligible Moslem candidate has been refused admission in a school for want of seats during the last three years.

Nominations for the Bengal Civil Service Examination.

42. Khan Sahib ABDUS SATTAR: Will the Hon'ble Member in charge of the Appointment Department be pleased to state under what principle nominations for the Bengal Civil Service Examination are allotted to different colleges?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): Nominations are allotted according to the relative importance of each college as shown by the results of the B.A. and B.Sc. examinations during the preceding three years.

Babu AMULYA CHANDRA DATTA: Will the Hon'ble Member be pleased to state under what principle preference was shown to colleges on the last occasion in regard to nominations?

The Hon'ble Mr. A. N. MOBERLY: The number of allotment to each college is published in the rules for examination.

Babu AMULYA CHANDRA DATTA: Will the Hon'ble Member be pleased to state whether it is not possible to judge the relative merits of candidates from their results in University examinations?

The Hon'ble Mr. A. N. MOBERLY: The difficulty is that it is not possible to examine more than 200 candidates altogether. It is indeed very difficult for the Selection Committee to go into 1,000 applications. Therefore, the colleges make the preliminary selections.

Babu AMULYA CHANDRA DATTA: Will the Hon'ble Member be pleased to state whether the results of the University examinations could not be made the guiding factor in the selection?

The Hon'ble Mr. A. N. MOBERLY: The candidates for examination are selected by a Selection Committee, but in order that the work of the Selection Committee may be brought within reasonable bounds, preliminary selections are made by the colleges. The allotments of nominations to the colleges are made on the results of the University examinations, that is to say, a college which has a large number of B.A.'s and B.Sc.'s gets more nomination than a college which has a smaller number.

Proposed resumption of non-judicial stamps as a central source of revenue.

43. Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state what opinion has been expressed by the Government on the proposed resumption of non-judicial stamps as a central source of revenue?

(*b*) What is the average annual income of the Government of Bengal from this source?

(*c*) How is it proposed to compensate the local Government for this future loss of revenue?

(*d*) Are the Government considering the desirability of consulting this House before agreeing to any scheme of such compensation?

The Hon'ble Sir JAMES DONALD: (*a*) The general statement was made that this Government would take no objection to the proposal provided they were assured of another source (or sources) of revenue equally satisfactory and equally capable of the same financial possibilities.

(*b*) The average for the three years 1924-25 to 1926-27 was Rs. 1,31,96,259.

(*c*) No final proposal has been communicated to this Government.

(*d*) The question does not yet arise.

Political détenu Srijut Santosh Kumar Dutt.

44. Babu PROMOTHA NATH BANERJEE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that political détenu Srijut Santosh Kumar Dutt was about to be killed by the fall of a house, selected for his dwelling-place at the place of his internment?

(*b*) Who is responsible for the selection of the house?

(*c*) Are the Government contemplating punishing the officer who selected the house?

The Hon'ble Mr. A. N. MOBERLY: (*a*) No. The house he was occupying was blown down by a storm and he received some slight injuries on his right arm and side.

(*b*) The Superintendent of Police of the district, who under orders of Government arranged for its construction.

(*c*) No.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state when this house was constructed for détenu Srijut Santosh Kumar Dutt?

The Hon'ble Mr. A. N. MOBERLY: It was constructed, I think, in 1925. It was repaired in 1926, and was just about to be repaired again when the storm took place.

Mr. S. C. BOSE: Will the Hon'ble Member be pleased to state whether it was a house constructed of brick and mortar or it was a thatched one?

The Hon'ble Mr. A. N. MOBERLY: It is a temporary building, not constructed with brick and mortar.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state whether any other house was blown away by storm?

The Hon'ble Mr. A. N. MOBERLY: I would ask for notice of this question.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pelased to state if the structure was one of mud walls or of bamboos?

The Hon'ble Mr. A. N. MOBERLY: I would ask for notice of this question.

Remission of chaukidari tax in the flood stricken area of the Contai subdivision.

45. Babu PROMOTHA NATH BANERJEE: Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government are considering the desirability of further remission of the chaukidari tax in the flood stricken area of the Contai subdivision?

The Hon'ble Mr. A. N. MOBERLY: Yes.

Total cost and expenditure of the Industries Department.

46. Mr. C. C. COOPER: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) what has been the total cost and expenditure incurred under all heads by the Department of Industries since its inception in 1919 to date; and

(*ii*) what is now the annual cost and expenditure of the Department under all heads?

(*b*) Will the Hon'ble Minister be pleased to state what practical or monetary benefit has resulted from the work of the Department to—

(*A*) the tax-payers of Bengal; and

(*B*) the Industries of Bengal?

(*c*) Does the monetary benefit to the tax-payers and industries equal the expenditure on the department?

(*d*) Will the Hon'ble Minister be pleased to state whether work exists potentially to justify the existence or continuance of the Department of Industries?

(*e*) If not, are the Government considering the advisability of taking steps to abolish the department?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) (*i*) The member is referred to the budget estimates of the Department of Industries since 1919.

(*ii*) The member is referred to the budget estimates for 1927-28.

(*b*) (*A*) The tax-payers of Bengal benefit by the advice and activities of the department both in improving industrial processes and in technical education given in its institutions, both aided and unaided.

(*B*) The member is referred to the Annual Reports of the Department of Industries.

(*c*) It is not possible to express in terms of rupees the benefit referred to, as compared with the expenditure incurred.

(*d*) In the opinion of Government such work does exist.

(*e*) The question does not arise.

Passenger accommodation in inland steam vessels.

47. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) what is the minimum space allowed for each passenger on board the inland steam vessels carrying passengers;

(*ii*) whether in determining the total number of passengers fit to be carried by each such steam-vessel the space occupied by the mail-rooms, by the cargo, by the passages along the sides of the engine-rooms, by hospitals, and the space in front of the first class cabins are excluded;

(*iii*) whether the space occupied by the first and second class cabins is shown as available only for the actual number of seats marked therein or whether the said space is taken into the general account on the basis of the minimum space allotted to each passenger; and

(*iv*) whether the space shown as available for passengers before obtaining the certificate of survey is in any way encroached upon for other purposes?

(*b*) Is it a fact that the inland mail and passenger steam boats plying between Goalundo and Chandpur, Goalundo and Narainganj, Barisal-Khulna-Chandpur-Narainganj-Bhairab, under the management of the I.G.N.R. and R.S.N. Companies carry more than the scheduled number of passengers?

(*c*) Has the attention of the Government been drawn to the fact that very often there is such a rush of third class passengers in the aforesaid steam vessels that they do not get even bare sitting accommodation?

(*d*) Is it a fact that in the said steam boats space on the lower deck meant for accommodation of passengers is more often than not utilised for cargo?

(*e*) Are the Government aware that from at least a week before the commencement of Durga Puja festival there is a great rush of passengers every where; that special arrangements made by the said companies only one or two days before the festival are too inadequate to relieve the pressure of passenger traffic?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir James Donald): (*a*) (*i*), (*ii*) and (*iii*) The Member is referred to the provisions of Part V of the Survey Manual, a copy of which is laid on the library table.

(*iv*) The Member is referred to the Certificate of Survey at page 35 of the Manual.

(*b*) and (*c*) Orders exist which impose upon local officers the duty of seeing that the provisions of the Act are complied with. No reports have been received of breaches of the Act such as are referred to in the question, but enquiries are being made.

(*d*) Government have no information but there is no objection to this if the provisions of the certificate are complied with.

(*e*) Government have no information.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member be pleased to state whether any enquiry was made in regard to part (*c*) of my question after receipt of notice?

The Hon'ble Sir JAMES DONALD: This question really relates to the provision of steamers which is not the concern of the local Government.

Babu AKHIL CHANDRA DATTA: If that is not so then why did the Hon'ble Member answer the other parts of the question? As he has answered the other parts, will he not reply to part (*e*)?

The Hon'ble Sir JAMES DONALD: The other parts of the question relate to matters which are the concern of the local Government.

Insufficient reserved space for intermediate class passengers in the steam-boats.

48. Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member in charge of the Marine Department be pleased to state if it is a fact that—

(*a*) the space reserved for intermediate class passengers in the steam-boats plying between Goalundo, Chandpur and Narayanganj is insufficient for the accommodation of the said passengers; and

(*b*) the entrance to that space is circuitous and difficult and in case of rush of third class passengers almost impossible of access?

The Hon'ble Sir JAMES DONALD: (*a*) and (*b*) Government have no information.

Primary Schools in the Pabna district.

49. Srijut JOGENDRA NATH MOITRA: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to lay on the table a statement showing for the years 1904-05, 1914-15 and 1926-27—

(*i*) the number of primary schools in the district of Pabna; and

(*ii*) the number of students in these schools showing separately the number of Hindu and Muhammadan boys and girls?

(*b*) Will the Hon'ble Minister be pleased to lay on the table another statement giving—

(*i*) the number of Primary Schools, Maktabs, Madrasahs, *tols* and schools for depressed classes in the district of Pabna at present; and

(*ii*) amount of special grant, if any;

(*A*) for the depressed class; and

(*B*) for Muhammadans?

(*c*) Are there any special scholarships for the depressed class students of the district of Pabna?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) (*i*) The following is the number of primary schools in the district of Pabna:—

1904-05	..	571
1914-15	..	886
1926-27	...	1,384 (including Maktabs.)

(*ii*) The number of students in these schools is shown below separately for boys and girls, Hindus and Muhammadans:—

	Hindus.		Muhammadans.		Others.	
	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
1904-05 ...	6,531	948	10,014	540	23	...
1914-15 ...	6,114	2,238	16,008	4,706	3	1
1926-27 ...	7,947	2,462	24,002	8,450	...	...

(*b*) (*i*) The following is the number of Primary Schools, Maktabs, Madrasahs, *tols* and schools for depressed classes in the district of Pabna at present:—

Number of Primary Schools, 616. Number of Maktabs; 768. Number of Madrasahs; 28. Special schools for depressed classes; 3.

N.B.—Ordinary schools are also attended by members of depressed classes.

(*ii*) The amount of special grant—

(*A*) for the depressed class—The schools participate in ordinary grants;

(*B*) for Muhammadans—Rs. 2,800+Rs. 2,320.

(*c*) There is no special scholarship for the depressed class pupils of the district of Pabna in particular. These pupils compete for ordinary scholarships as also for scholarships reserved for the backward class pupils of the Rajshahi Division.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Minister be pleased to state the number of *tols* in the districts which he has forgotten to mention in his reply?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I thought I answered this question.

Sub-Inspectors of Police in the Khulna district.

50. Maulvi SHAMSUR RAHMAN: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) how many Sub-Inspectors of Police are there at present in the district of Khulna; and

(*ii*) how many of them were Mussalmans in each year beginning from 1912?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing year by year, for the last 15 years—

(*i*) how many Sub-Inspectors of Khulna have been transferred to other places; and

(*ii*) how many of them were Mussalmans?

The Hon'ble Mr. A. N. MOBERLY: (*a*) (*i*) Fifty-eight Sub-Inspectors are employed in the district of Khulna at present of whom thirteen are Muhammadans.

(*a*) (*ii*) and (*b*) (*i*) and (*ii*) The information is not readily available and the preparation of the statements required would necessitate an expenditure of time and labour, which would not be justified.

Inspection by the Inspector-General or Deputy Inspector-General of Police of Khulna.

51. Maulvi SHAMSUR RAHMAN: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state how many times the police office of Khulna was inspected by the Inspector-General or Deputy Inspector-General of Police from January, 1926, to March, 1927?

(*b*) What was the period of stay during each such visit?

(*c*) Was any daily allowance charged for all those days of stay?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Once by the Inspector-General and thrice by the Deputy Inspector-General.

(*b*) The Inspector-General halted for three days in July, 1926.

The Deputy Inspector-General halted for eight days in February, 1926; ten days in February, 1927; and one day in March, 1927.

(*c*) Yes.

Encroachment by the river Teesta on the Bengal Duars Railway near Barnes junction.

52. Mr. PROSANNA DEB RAIKAT: (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that further encroachment is being made by the river Teesta near Barnes junction on the Bengal-Duars Railways this year also?

(*b*) If so, what steps, if any, have been or are being taken either by the Railway authorities or by the Government in order to put a stop to the encroachment and to facilitate communication?

The Hon'ble Sir JAMES DONALD: (*a*) Government are informed that there has been practically no further encroachment by the river Teesta on the Bengal Duars Railway near Barnes junction this year up to date.

(*b*) The question does not arise.

Junior Madrasahs in Bengal.

53. Maulvi SYED ABDUR RAUF: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state—

(*i*) the present number of junior Madrasahs in Bengal; and

(*ii*) the number of them that are receiving grant-in-aid from Government?

(*b*) Is it a fact that a number of Madrasahs are getting no help from the Government? If not, why not?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) (*i*) Four hundred and sixty-five.

(*ii*) Three hundred and thirty-eight.

(*b*) Junior Madrasahs like all other educational institutions are increasing in number every year, and with the funds at the disposal of Government it is impossible to extend help to all. The question of an increased grant to Madrasahs, both Senior and Junior, is already under the consideration of Government.

Khan Bahadur MAULVI AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state the reason why no budget provision was made for grants to junior Madrasahs which might be started in the current year? If so, why no supplementary grant was asked for by the Hon'ble Minister?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: The number of junior Madrasahs was increasing so rapidly in the course of the year that it was impossible to estimate the exact number.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it because that the Hon'ble Minister anticipated that there would be a very large number of Madrasahs started in Bengal in this year that no budget provision was made?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: The next budget will provide for the new institutions which are coming into existence.

Khan Bahadur Maulvi AZIZUL HAQUE: Does the Hon'ble Minister think that as numerous Madrasahs were springing up there should be no provision made for a single one?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I have nothing whatever to do with the present budget. I am, therefore, unable to answer this question.

Maulvi ABUL KASEM: Will the Hon'ble Minister be pleased to state whether it is a fact that although there has been an increase of Rs. 5 lakhs in the annual recurring grant for secondary education there has not been an increase of even 5 pice for junior Madrasahs which are also secondary schools?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I would ask for notice of this question.

Varendra Research Society, Rajshahi.

54. Babu SACHINDRA NARAYAN SANYAL: (*a*) Is the Hon'ble Minister in charge of the Department of Education aware that the Varendra Research Society, Rajshahi, has been compelled to put off some important works on account of financial stringency?

(*b*) Has the Hon'ble Minister received any representation on behalf of the Varendra Research Society for funds?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) No.

(*b*) An application was received from the Society for the continuance of the grant for a Curator to its Museum, and a grant of Rs. 150 a month for a period of 3 years from the 1st December, 1927, has been sanctioned for the purpose.

Special class of prisoners.

55. Mr. ABDOOL RAZAK HAJEE ABDOOL SATTAR: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether the special class of prisoners which was created some time ago still subsists?

(*b*) Was it not the intention of the Government—

(*i*) that these prisoners who are accustomed to habits of life different from those of the ordinary class of criminals, should receive treatment similar to that meted out to European and Anglo-Indian prisoners generally:—

(*ii*) that their punishments might not in effect be harsher than those of the ordinary class of prisoners; and

(*iii*) that their health might not suffer unduly?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) Yes.

(*b*) The member is referred to Chapter XXXIVA of the Jail Code which expresses the intention of Government with regard to such prisoners.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state in what jails there are special class prisoners?

[At this stage the time-limit for questions and answers was reached.]

Mr. PRESIDENT: I am afraid that as we can only devote one hour for questions and answers and as that time is up this question will stand over till to-morrow.

Legislative Business.

Government Bills.

The discussion on the Bengal Borstal Schools Bill, 1927, was then resumed.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I find myself in entire agreement with the Hon'ble Member in charge of the Bengal Borstal Bill. The matter has been raised in this Council before; and members have tabled resolutions calling upon the Government to frame some such legislation as is laid down in other countries, in the west especially in America, for the improvement of young prisoners. Hitherto the practice has been to leave these young people to the mercy of their jailors. They have been committed to the soulless task of manufacturing quinine pills which is of no use to them in their after-life and those who have visited these people have deplored their sad condition. There was nothing left before them than to be confirmed in the art of being hardened criminals as they would grow up.

In the West where the science of criminology is fast crystallising into an accurate and reasoned course of things, the criminal is treated as one curable, crime being regarded as one of the pathological states of the human mind. I know that such a daring statement will not commend itself to some of the older members present in this House; but a perusal of some of the best works of psychologists, men who have made this branch their special study, will find this startling revelation enumerated. Crime is curable, and if curable, why not cured? A move in the right direction is made in this Bill. In Madras the Borstal institutions are doing admirably as was pointed out by the Hon'ble Member, why not then in Bengal? If these adolescent prisoners are kept away from evil surroundings, from their association with hardened criminals, through the weight of good influence something can be achieved.

I know there are flaws in the Bill. A great deal has been made as to the ages of the prisoners, and to the period of detention, but I am not in favour of interfering at this stage. Let the Bill be put into

operation as an Act, let it be worked as a practical measure, and then I feel sure more flaws will reveal themselves for remedy. Meanwhile I would not encumber such useful legislation with piecemeal additions and alterations. It is, for this reason, that I favour the passing of the Bill as laid before this House.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, I have very little to add to what I said yesterday. My friend Mr. B. K. Bose had some complaint to make yesterday against the Legislative Department for not allowing some of the amendments, notice of which he had sent. I think this cause for grievance no longer exists. A telegram was sent to the Government of India and the sanction of the Governor-General, allowing the amendments, has reached just now. I hope you will realise, Sir, how difficult it is to consider amendments which I have not been able to examine yet. It has not been possible for the Legislative Department also to examine them thoroughly. As there might be some drafting changes I have asked the Secretary of the Legislative Department to come and help me in putting them in proper form; otherwise it will be difficult for me to deal with them properly as there are so many technical niceties of law.

Sir, I am very glad to find that this Bill has been welcomed by all and received so kindly by the hon'ble members of this House. I think some of the criticisms which have been offered will come up at a later stage when the different clauses of the Bill are discussed. I have, therefore, no intention to take up the time of the Council at this stage.

Rai HARENDRANATH CHAUDHURI: May we not have a copy of the amendments which are going to be moved by Babu Bijay Krishna Bose?

Mr. PRESIDENT: I think the member concerned will have to take my permission to have these amendments tabled. The member ought to be here to ask my permission to have his amendments admitted. So long as he does not do so, you need not think of the amendments. You are entitled, of course, to get copies of the amendments?

Rai HARENDRANATH CHAUDHURI: Why was not notice given of these amendments?

Mr. PRESIDENT: I gather from the Hon'ble Maharaja Bahadur's remarks that notice was given, but it was found necessary to obtain the sanction of the Government of India, before the amendments could be admitted. A telegram was sent to the Government of India and a

favourable reply thereto has just now been received. Now, I have got to admit these amendments, provided I am requested by the mover to have them admitted. So long as he does not do so, you need not think of these amendments.

4-15 P.M.

The motion that the Bengal Borstal Schools Bill, 1927, be taken into consideration was then put and carried.

Clause 1.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I wish to take up the Preamble last. So I move that clause 1 be taken into consideration.

Rai HARENDRANATH CHAUDHURI: I beg to move that for clause 1 (2) the following be substituted, namely:—

"(2) It extends to the whole of Bengal."

Sir, I really cannot understand why this Bill, rather this beneficial measure, is going to be restricted in its local extent, *i.e.*, in so far as the area of its application, is concerned. The Bill should, in my opinion, if it is at all going to be enacted, apply to the whole of Bengal so that all young offenders may take the advantage of the Bill and be benefited by this measure wherever such offenders may be tried in Bengal, and no invidious distinction may be made between young offenders in one area and those in another. In this view, Sir, I propose my amendment and I hope that it will be accepted.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, my explanation for not taking the course which has been suggested by my friend, Rai Harendranath Chaudhuri, was that this Bill, the Bengal Borstal Schools Bill, is based upon its sister Act—the Madras Borstal Schools Act, and in that Act we find that this power is conferred upon the Government. But as I find that the House is in favour of extending its provisions to the whole of Bengal, I accept the amendment.

Mr. PRESIDENT: The question is that clause 1, as amended, stand part of the Bill.

The motion was put and agreed to.

Babu BEJOY KRISHNA BOSE: Sir, I sent notice of certain amendments to the Borstal Schools Bill which is now under discussion, and I was told that the sanction of the Government of India would be required to my amendments. The sanction on my request was sought for by telegram by the Department, and I understand that permission has just arrived. I, therefore, beg leave of the Council to move these amendments.

Mr. PRESIDENT: Well, I have no objection and the Hon'ble Member in charge of the Bill seems to be willing to consider your amendments.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have already explained my position. I have not the slightest objection to take his amendments into consideration, but you know my difficulty.

Mr. PRESIDENT: I admit your amendments, Mr. Bose, and rule that they may be dealt with.

Clause 2.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I beg to move that clause 2 be taken into consideration.

Babu JOGINDRA CHANDRA CHAKRAVARTI: I beg to move that in clause 2 (*1*)—

(*a*) in line 3, after the word "imprisonment" the words "for a term of one year or more," and

(*b*) in line 6, after the figures "1898" the words "for a period of one year or more" be inserted.

This is my amendment, and I will state my reasons very shortly. The definition as given in this Bill of an adolescent offender includes any person who has been convicted of any offence punishable with imprisonment or ordered to give security under section 118 of the Criminal Procedure Code and such a person is within the ages of 16 and 21 or 15 and 21 as provided for in sub-clauses (*i*) and (*ii*). Now, Sir, it will appear from the Statement of Objects and Reasons that the purpose of the Bill is to provide for the reformation of offenders by giving them such training and putting them under such control and discipline as may improve their morale and enable them to live the lives of good citizens in future.

[At this stage the Hon'ble the President left the Chamber and the Deputy President took the Chair.]

I take it the courts will not apply the provisions of the Bill to offences which do not involve any moral turpitude and although there are no such restrictions laid down in the Bill itself I believe the Hon'ble Member in charge of the Bill intends that its provision will not apply to all cases, whatever the nature of the offence may be. My object in moving the amendment is to make it clear that the Act will not apply to persons who have been convicted of minor offences which are punishable with a short-term imprisonment, and I may say only this that there are various sections of the Penal Code offences under which are punishable with imprisonment varying from one month to six months and which are sometimes technical offences. So far as I can understand the object of this Bill, the Bill does not intend to include cases of persons who are imprisoned for short terms for offences which are not of a very serious character. I respectfully ask the Hon'ble Member in charge of the Bill to consider whether it is proper to detain a person who is convicted for an offence punishable, say, only with one month's imprisonment or six months', in a Borstal school for a period of not less than two years. These are my reasons for recommending that this clause 2, sub-clause (*1*), be amended in the way I have suggested.

Babu BEJOY KRISHNA BOSE: I am sorry I cannot support the amendment of my friend Babu Jogindra Chandra Chakravarti. He wants that persons who have been convicted for a short term of one year or more be sent to a Borstal school. Now what about those people who are convicted for a lesser term of imprisonment, say, for two, three or six months. Are they to be sent to an ordinary jail to remain with adult prisoners, whereas people who would be convicted and sentenced for a term of more than one year should go to a Borstal school. I do not think that this is right. Discretion should always be given to the Magistrate to decide whether an offender should be sent to a Borstal school or not in case a sentence of imprisonment is passed. It is not necessary that the power should be limited to a period of one year or more.

Babu JITENDRALAL BANNERJEE: I also oppose the amendment which has just been moved by my friend Babu Jogindra Chandra Chakravarti. One of my reasons for doing so is practically the same as that put forward by Babu Bejoy Krishna Bose. In fact, the amendment if carried would put a premium upon people who have been guilty of more serious offences. You send a prisoner who is guilty of a more serious offence to a Borstal school for training and discipline, whereas a prisoner guilty of a lesser degree of offence is deprived of the benefits of the Borstal system. Besides my friend seems to miss the essential principle of the Bill by making the quantity of punishment the criterion for sending a prisoner to a Borstal

school. It is not the question of punishment but it is the question of criminality which should be the criterion. In point of fact, in England, people may be sent to a Borstal school even before they have been convicted, upon mere commitment to the court of sessions.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I need hardly add to what has already been said by the last two speakers and I think that would be a sufficient answer to the mover of the amendment. We have got to take into consideration the cases of obstinate offenders who are imprisoned for less than one year. I see no reason why they should be treated differently. Therefore, I oppose the amendment.

The motion of Babu Jogindra Chandra Chakravarti was then put and lost.

4-30 P.M.

Babu BEJOY KRISHNA BOSE: I beg to move that in clause 2 (i), line 6, after the words "has failed to do so" the words "or who having been dealt with under the provisions of section 562, of the Code of Criminal Procedure, 1898, has failed to enter into a bond or find securities or who, when the bond has been cancelled under section 126A of that Code, has failed to give fresh security" be inserted.

As I stated yesterday, there are three proper sections in the Criminal Procedure Code which refer to the giving of security. The first is section 106 and the second is section 118; they are provided for in the Bill. The third section is section 562 which relates to "first offenders." The people who are treated as first offenders are called upon to give security, and if they fail to give security, they go to jail, or if they furnish surety and the surety turns up and says that he would no longer stand surety for the offender, the persons are dealt with under section 126A and may have to go to jail. My point is that the first offenders should come within the purview of this Act and they ought to be sent to the Borstal School if they fail to give security or furnish fresh surety.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: For reasons urged by my friend I accept the amendment.

The motion of Babu Bejoy Krishna Bose was then put and agreed to.

The following motion was called but not moved and therefore deemed to be withdrawn:—

"Rai Harendranath Chaudhuri to move that to Clause 2 (2) the words "of this Act" be added.

Mr. DEPUTY PRESIDENT (Khan Bahadur Maulvi Emaduddin Ahmed): The question is that clause 2, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Rai HARENDRANATH CHAUDHURI: I beg to move that in clause 3 (2), line 1, after the word "Committee" the following words be inserted, namely:—

"with a non-official majority."

It is obvious why I propose this amendment. I think the Borstal system can only succeed if it can secure the co-operation of the people, otherwise not; and if you really mean to bring it in better touch with the people, you should have a Visiting Committee with a non-official majority.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have not the slightest objection to the principle of a non-official majority in the Committee, because I realise that in this way non-official support to this system will be gained. And I count much upon such support for the successful working of this Act. I am inclined to think that large employers of labour in the neighbourhood should be invited to be members of such Committees. But this is a matter which might more properly find place in the rules to be framed under this Act. My friend's suggestion will not be forgotten when framing the rules.

I hope with this assurrance my honourable friend will not press his amendment.

Rai HARENDRANATH CHAUDHURI: With the assurance given by the Hon'ble Member, I beg leave to withdraw the amendment.

The motion of Rai Harendranath Chaudhuri was then, by leave of the Council, withdrawn.

Rai HARENDRANATH CHAUDHURI: I beg to move that at the end of clause 3 (2) the following words be added, namely:—

"by rules made under this Act and the names of members of the Visiting Committee shall be published in the *Calcutta Gazette*."

It is also obvious why I am suggesting this amendment. I think I need not make a long speech on this motion.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I am afraid the phrase "by rules made under this Act" seems to be superfluous in view of the definition of the word "prescribed" which is contained in clause 2 (*4*) of the Bill.

There is no objection to publishing the names of the members of the Committee in the *Calcutta Gazette*, if provision is made for *ex officio* members to be designated by name of their office. I would, therefore, with your permission, be prepared to accept the amendment in the following form:—

"and the names of the members of the Visiting Committee or, when a member is appointed *ex officio*, the office by virtue of which he has been appointed shall be published in the *Calcutta Gazette*."

Rai HARENDRANATH CHAUDHURI: I have no objection to accepting the amendment suggested by the Hon'ble Member.

The motion of Rai Harendranath Chaudhuri, as amended by the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia, was then put and agreed to.

Mr. DEPUTY PRESIDENT: The question is that clause 3, as amended, stand part of the Bill.

The motion was put and agreed to.

[At 4-45 P.M. the Council was adjourned and it reassembled at 5 P.M.]

[The Hon'ble Mr. President resumed the Chair.]

Clause 4.

Babu JOGINDRA CHANDRA CHAKRAVARTI: I move that clause 4 be omitted.

Clause 16 of the Bill empowers the local Government to make rules for carrying out the purposes of the Act and sub-clause (*2*) of clause 16 of the Bill lays down on what matters the local Government can make rules. It appears to me, therefore, that the provisions of the Prisoners' Act and the Prisons Act need not and should not be made applicable to adolescent offenders detained in a Borstal school. Let the law on the subject be self-contained and the Government with the powers given under the Act may make all necessary rules for giving effect to the object intended by the proposed law to be accomplished. A Borstal school is defined in the Bill as a school established under section 3 and section 3 lays down that adolescent offenders may be detained and given such industrial training and other instruction and be subjected to such disciplinary measures and moral influences as in the opinion of the local Government will conduce to their reformation and the prevention of crime. It seems to me that when a young man instead of being sent to jail is detained in a Borstal school for

purpose of reclaiming him by giving him proper instructions and ing him under proper moral influences he should at least be to feel that he is living in an atmosphere which is free from rigours of a prison life. The rules and regulations which will trol him will be the rules and regulations of the school and not rules and regulations prevailing in jails. I do not certainly advocate that offenders detained in Borstal schools should not be placed der a rigorous discipline, but what I do wish is that they should be aced under such surroundings and controlled by such rules as are itable for the growth and development of a healthy moral life. There no doubt that there is a good deal of difference between the mosphere of an educational institution and that of a jail. The indignities generally associated with a jail life can hardly conduce to the oral elevation of an individual. If a Borstal school is made only a econd prison with this difference that the inmates thereof will have special training, the necessity of having separate institution for that urpose does not seem to be clear because arrangements for special raining in particular arts and industries can be made in jails also. The papers which have been circulated to the members of the Council elating to the Borstal Schools Bill contain a note by the Lady Secretary of the Society for the protection of children in India, and in that note she has given an idea of how Borstal institutions are worked in England. In England the Borstal Association is the society organised under the Act as supervision; one of the Honorary Associates visits the home of every boy as soon as he is admitted; the Secretary or other officer visits the boy while he is in the institution.

Before his release arrangements are made for his reception by relations or friends, or for the provision of an approved lodging. He is found work, and, if necessary, assisted till he can support himself. The spirit in which the work has been taken up in England seems to me to be entirely absent from the Bill as framed. On the contrary, if the provisions of the Prisons Act and the Prisoners' Act are made applicable to the inmates of a Borstal school the healthy influences under which a school should be expected to thrive will be entirely absent and the purpose of the Bill will be to a great extent frustrated. I, therefore, press this amendment for the consideration of this House.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Similar provisions exist in the Madras and the Punjab Acts and its omission would lead to serious administrative difficulties as regards safe custody of the inmates and the enforcement of discipline over either inmates or officers.

The House, I am sure, will remember the material that we have to deal with. These adolescent offenders may have been convicted of dacoity, robbery, theft, house-breaking and house-trespass and some may

have had previous convictions. We cannot surely treat them as mere innocent school-boys although the intention of our Bill is reformation by such a method. The school is to be a place of detention for those youngsters who had commited crime. It is regrettable that human language does not enable us, to the extent to which we would like, to conceal our object and intentions. The very definition of adolescent offenders gives away the real character of these people and whatever camouflage we may try to adopt the implication of the inevitable association of ideas cannot be avoided.

There is also the legal aspect which we must not forget. There are many things in the Prisons Act and the Prisoners Act which are intended to apply and must be applied only by reference to these Acts, and if these Acts go out of consideration these would be inapplicable.

If, for instance, an inmate of the Borstal school is to be produced before a Court for giving evidence or if he is charged with an offence and has to be brought before a Court, the procedures are laid down in these Acts. Unless you are empowered to apply the provisions of these Acts in the cases of the inmates of the Borstal schools, there would be no way of producing them before a Court.

Then again there are provisions in the Prisons Act for disciplinary punishments of jail officials. These are very necessary.

The only alternative would be perhaps to take out those provisions bodily from these two Acts and introduce them here. In any case, you will have to have similar provisions. The ultimate result is the same.

I must oppose the amendment.

The motion that clause 4 be omitted was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ali, Maulvi Syed Mausher.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Banerjee, Mr. A. C.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chaudhuri, Rai Haremdranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Baroda Kripa.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Tarahnath.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Shamsur.
Rahman, Mr. A. F. M. Abd-ur.

Bakir, Maulvi Syed Abdur.
Das, Dr. Kumud Sankar.
Dey, Babu Manmatha Nath.
Ghy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sadeque, Maulvi Mohamed.
Sarker, Babu Nalinirenjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Atiquilah, Mr. Syed Muhammad.
Chakravarti, the Hon'ble Mr. Syamkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
De, Mr. K. C.
Dey, Mr. G. C.
Donald, the Hon'ble Sir James.
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Farequi, Khan Bahadur K. G. M.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Gofran, Maulvi Abdul.
Hamilton, Lieutenant-Colonel W. G.
Hussain, Maulvi Latafat.
James, Mr. F. E.
Khan, Mr. Razaur Rahman.
Lindsay, Mr. J. H.
Maguire, Mr. L. T.
Marr, Mr. A.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Prentice, Mr. W. D. R.
Rahman, Maulvi Azizur.
Raikat, Mr. Prosanna Deb.
Roy, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Shah, Mr. Ghulam Hossain.
Stuart-Williams, Mr. S. C.
Tate, Major-General Godfrey.
Woodhead, Mr. J. A.

The Ayes being 53 and the Noes 41 the motion was carried.

5-15 P.M.

Clause 5.

Babu BEJOY KRISHNA BOSE: I move that in clause 5 (*1*), line 0, after the word and figures "section 118" the words and figures "or o enter into a bond or find security under section 562 or section 126 A" e inserted.

I have got nothing to add. I have already said what I have got to ay when I moved my amendment with regard to clause 2. It is only consequential amendment.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I accept the amendment.

The motion of Babu Bejoy Krishna Bose was then put and agreed o.

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 5 (*1*), ut two lines, for the words "for a term which shall not be less than wo and shall not exceed five years" the words "for a term which shall ot exceed three years" be substituted.

My intention is clear. So far as the minimum is concerned, it has en fixed at two years in the section. Now if the section stands as it

is, then persons who are sentenced for less than two years will not be able to get the benefit of the Borstal system. Therefore, I am of opinion that no minimum should be fixed at all, so, that persons who are sentenced for periods less than two years may also come in. Secondly, so far as the maximum is concerned, it seems to be too high. Even the Subdivisional Officer has the power of detaining persons for five years. That seems to me to be too long a period. I, therefore, think that the maximum should be three and not five years.

Babu JITENDRALAL BANNERJEE: I beg to support my friend, though not entirely upon the grounds which he has advanced. But the tendency of modern legislation is to make the period of detention uniform more or less. In England, so far as the law is concerned, the minimum is two years and the maximum is five years, though in practice the period tends to hover near three years. Here also this is what should be done. In the first place, if you detain a person for less than three years, you do not give him the full benefit of the Borstal training whether it is technical and industrial training or even the benefit of subjection to wholesome moral influences. As regards the maximum, five years seems to be too much. Of course, a Borstal school is a school of training, but it is also a prison—a house of detention. And if you confine a man in a house of detention for five years you crush the very soul out of him. Therefore, I would advocate a uniform period of three years' detention or at least a maximum of three years.

The Hon'ble Maharaja KSNAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, in the Madras Act the same words—" not less than two and not more than five years "—are used.

In the Punjab Act the maximum period goes as far as seven years.

However, the general idea of Borstal training is, that two years is the minimum required if any real good is to be done, but that a youth should not ordinarily be detained more than three years.

The Indian Jails Committee in dealing with the question have emphasised that it is essential that the term of detention should not be less than two years in order to have effective reforming influence. All authorities are agreed on this point.

In England, the minimum period of detention in a Borstal institution was, by the Prevention of Crime Act, 1908, fixed at *one* year. This, however, was found to be insufficient and it has since been raised to two years and opinion was generally in favour of a still higher minimum.

I must, therefore, insist on a minimum of two years, but am prepared to concede the alteration of the maximum of five to three years.

In any case, the option always rests with the trying Magistrate to award the maximum or any lesser period. It is hardly, if ever, that the Magistrate or Court inflicts the maximum sentence in the Indian Penal Code.

Maulvi TAMIZUDDIN KHAN: Sir, in view of the fact that the Hon'ble Member has accepted the maximum to be three years I beg to withdraw my amendment.

Babu JITENDRALAL BANNERJEE: May I point out, Sir, that no change whatever is necessary? As a matter of fact the Hon'ble Member in charge has accepted my friend's amendment. As regards the maximum and also as regards the minimum it should not be less than two years.

Rai HARENDRANATH CHAUDHURI: I think the Hon'ble Maharaja Bahadur has accepted the amendment in a modified form only.

In consequence of the above decision the following motion was then put and agreed to:—

"That in clause 5 (*1*), last line, for the word 'five' the word 'three' be substituted."

Mr. P. C. BASU: In view of the acceptance of the previous amendment, I do not think I should move my amendment. Therefore, I beg to withdraw it.

The following motion, was then, by leave of the Council, withdrawn:—

Mr. P. C. BASU to move that in clause 5 (*1*)—

(*a*) in the penultimate line, for the word "two" the word "one"; and

(*b*) in the last line, for the word "five" the word "three"

be substituted.

Mr. PRESIDENT: The question is that clause 5, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 6.

Rai HARENDRANATH CHAUDHURI: Sir, I beg to move that in clause 6 (*1*), lines 3 and 4, the following words be omitted, namely:—

"convicted or ordered to give security by such Court."

Sir, in the first place I should say that these words do not occur in the corresponding section of the Madras Act, and secondly, I would say that these words introduce unnecessary complications in the section. So far as the first part of it is concerned it is absolutely redundant in view of the definition given of "adolescent offenders". A person cannot be an adolescent offender unless he is sentenced for a term of imprisonment. So far as the second part is concerned, it introduces unnecessary confusion because a person does not become liable to be sent to the Borstal school so long as he does not fail to give the ordered security. The sentence as it runs, conveys the meaning that an adolescent offender should be forwarded to the Magistrate who has power to deal with offenders under the Borstal Act whenever he is ordered to give security. That is not the intention of the Act. At any rate it is clear from the definition of "adolescent offenders." I, therefore, suggest that these words should be omitted.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I am grateful to my hon'ble friend for pointing this out in his motion and I am prepared to accept the amendment in the following modified form:—

"That in clause 6 (*1*), lines 3 and 4, for the words 'convicted or ordered to give security by such Court' the words 'who has been convicted by such Court or having been ordered by such Court to give security has failed to do so.'"

Rai HARENDRANATH CHAUDHURI: That meets my objection and I have no objection in accepting the modified form.

The motion of Rai Harendranath Chaudhuri was then put in the modified form and agreed to.

Mr. P. C. BASU: I do not want to move the first part of my amendment, but I move the second part. With your permission I would delete the first part of my amendment and move the second part. This is necessary because the previous amendment has been accepted by the Hon'ble Maharaja Bahadur of Nadia.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: It is consequential and I, therefore, accept it.

The motion of Mr. P. C. Basu was then put in the following modified form and agreed to:—

"That in clause 6 (*3*), line 10, for the word 'five' the word 'three' shall be substituted."

5-35 P.M.

Babu BEJOY KRISHNA BOSE: I beg to move that in clause 6 (*1*), lines 7 and 8, after the words "forward the adolescent offender to" the words "or take bail for his appearance before" be inserted.

Under this clause when an adolescent offender is convicted or ordered to give security by any Court which is not empowered to pass an order of detention in a Borstal school, the Court can submit the record of the case and forward the offender to the superior Court. The superior Court to which the offender is sent, will not perhaps be able to take up the case at once. My object is that till the case is decided, bail might be taken for the appearance of the adolescent offender before the Court to which the case is submitted.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have no objection to accepting this amendment.

The motion of Babu Bejoy Krishna Bose was then put and agreed to.

Babu BEJOY KRISHNA BOSE: I beg to move that in clause 6 (*2*), line 1, after the word "offender" the words "or taking bail for his appearance" be inserted.

It is a merely consequential amendment. As the former one has been accepted, I hope, that this amendment will also be accepted.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have no objection to accepting this amendment as it is consequential to the previous one.

The motion of Babu Bejoy Krishna Bose was then put and agreed to.

Babu BEJOY KRISHNA BOSE: I beg to move that in clause 6 (*3*), line 3, after the word "forwarded" the words "or before whom an adolescent offender appears" be inserted.

The Council has already accepted my two previous amendments, and I hope as it is also a consequential amendment, this will also be accepted.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I accept the amendment.

The motion of Babu Bejoy Krishna Bose was then put and agreed to.

Mr. PRESIDENT: The question is that clause 6, as amended, stand part of the Bill.

The motion was then put and agreed to.

Clause 7.

Mr. P. C. BASU: I beg to move that to clause 7 (*1*) (*b*) the words " or to the High Court " be added.

My object is to give an adolescent offender some chance of getting relief, if he likes, in the High Court. He is given the option of appealing to the Court of Session or to the High Court whichever he prefers.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The amendment suggested by the mover does not seem to be a feasible one. The proposed amendment means that there may be an appeal direct to the High Court from a mufassal Magistrate, *i.e.*, not to the Sessions Judge. This involves a radical change in the principles adopted in the Criminal Procedure Code. Under the Criminal Procedure Code, appeals from orders of Magistrates lie to the Sessions Judge and the High Court has always the power of revising any order of a District Magistrate or of a Deputy Magistrate under section 439 of the Code of Criminal Procedure.

I oppose the amendment.

The motion of Mr. P. C. Basu was then, by leave of the Council, withdrawn.

Mr. P. C. BASU: I beg to move that in clause 7 (*3*) (*a*), line 1, for the words " order and " the words " order or " shall be substituted.

I went to substitute the word " or " for the word " and " and I suggest this little alteration for the reason that in reversing the judgment of a lower Court the Appellate Court may pass such an order as it may think fit. It is not incumbent on the Appellate Court to reverse the order, but without reversing the order the Appellate Court might pass any order it likes. There might be some difficulty for an Appellate Court to reverse the previous order, in order to pass a new order and I want to remove that difficulty.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I am advised by the Legislative Department that the drafting in the Bill is correct. There cannot obviously be two orders about the same person in relation to the same thing. The Court if it passes any other order, will have to reverse the previous order first. There cannot be two orders running concurrently on the same subject. I oppose the amendment.

The motion of Mr. P. C. Basu was then put and lost.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The motion was then put and agreed to.

Clause 8.

Babu BEJOY KRISHNA BOSE: I beg to move that to clause 8 the following proviso be added, namely:—

"Provided that the Inspector-General shall set apart in selected local jails, separated from adult prisoners, places where a modified Borstal system of training shall be imparted to adolescent offenders, if there is no accommodation in the Borstal schools established under this Act and where the period of intermediate custody is thereby rendered uncertain."

From clause 8 of this Bill, we find that every adolescent offender, directed by a Court to be sent to the Borstal school, shall be forthwith sent to a place of intermediate custody before he is sent to a Borstal school. Now, it is quite possible that there may be no accommodation available in the Borstal school. Supposing we have only one Borstal school at Bankura with accommodation for 250 young men and throughout Bengal there are 3,000 young men ordered to be sent to the Borstal school. The question will then arise where these 3,000 young men will remain till they are sent to the Borstal school. Under the Bill, they would remain in a place of intermediate custody, but what shall they do during that period? I suggest that for that period a system of modified Borstal school training may be introduced in certain selected local jails by setting apart a certain portion of the jail for the purpose of imparting to them a course of training during the period of intermediate custody. I hope that the amendment will be accepted.

5-45 P.M.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, I am very sorry I have got to disoblige my hon'ble friend this time. My reason is that by accepting this amendment we shall be committed to an expenditure which is likely to come up before the Council at a later stage, whenever Government think it necessary. Besides, this amendment, I am afraid, is not very happily drafted. We have not got any definition of adult prisoners in the Bill. Then what is modified Borstal? We have not got any definition of modified Borstal in the Bill. I think it is a matter for executive action. I would take the House into my confidence and say that I have already issued instructions to the Inspector-General of Prisons

to try to set apart a certain portion of the Dacca Jail for a modified Borstal jail and keep this class of prisoners there if there be no more accommodation in the Bankura Jail. I hope the hon'ble mover may feel inclined to withdraw his amendment.

Dr. PRAMATHANATH BANERJEA: Will this be done in other jails as well?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I do not anticipate that there will be adolescent offenders in so large a number that we shall have to distribute them all over the province. We have accommodation for 250 offenders in the Bankura Jail and I think if we take up Dacca for the present that will suffice; but if occasion arises we will certainly extend to other places.

The motion of Babu Bejoy Krishna Basu was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

The motion was put and agreed to.

Clause 9.

Babu BEJOY KRISHNA BOSE: I beg to move that in clause 9, line 3, after the figures "118" the words and figures "or section 562 or section 126A" be inserted.

This amendment follows the one which has already been accepted by the Hon'ble Member in charge.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I accept the amendment.

The motion of Babu Bejoy Krishna Bose was then put and agreed to.

Mr. PRESIDENT: The question is that clause 9, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 10.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

The motion was put and agreed to.

Clause 11.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

The motion was put and agreed to.

Clause 12.

Rai HARENDRANATH CHAUDHURI: I beg to move that in clause 12 (*1*) for the first eight lines the following words be substituted, namely:—

> "If at any time after the expiration of 6 months from the commencement of the detention of an adolescent offender in a Borstal School, the Visiting Committee of the school recommends that there is a reasonable probability that the adolescent offender will abstain from crime and lead a useful and industrious life the Inspector-General shall, subject to the prescribed conditions, discharge him from the."

It will be seen from clause 12, as it stands in the Bill, that the Inspector-General has been given a free hand to agree or disagree with the recommendation of the Visiting Committee. As it stands, the Inspector-General is not bound to give effect to the recommendation of the Visiting Committee to license out an adolescent offender and place him in the custody of an authority which, even under the clause, is to be an authority approved by the Inspector-General. I cannot understand, Sir, why the Inspector-General should be dressed with this authority and should be given power under this Act to override the recommendation of the Visiting Committee. I have, therefore, redrafted this clause in such a manner as will secure the agreement of the Inspector-General with the recommendation of the Visiting Committee and ensure that it will be respected; otherwise the recommendation of the Visiting Committee may be overriden by the Inspector-General. I have, therefore, suggested that the Inspector-General shall obey the recommendation of the Visiting Committee, and, in pursuance of such recommendation as may be made by the Visiting Committee, grant a license to an adolescent offender to live with an approved person or institution.

Babu JITENDRALAL BANNERJEE: While appreciating the reason given by my friend, Rai Harendranath Chaudhuri, I am constrained to oppose him on the following grounds: I can quite appreciate that the Inspector-General should be made to act on the recommendation of the Visiting Committee, but my friend's amendment goes further than that. The effect of his amendment would be to shift

the initiative from the Inspector-General to the Visiting Committee, and my experience of jails is that, in these matters, Visiting Committees and non-official visitors are absolutely indifferent and useless: they will not take the initiative. Therefore, my friend's purpose will be defeated if his amendment is given effect to. His purpose would have been served if he were to suggest that the Inspector-General "may of his own initiative" and "shall on the recommendation of the Visiting Committee" discharge an adolescent offender. In that case the initiative would have rested both with the Inspector-General and the Visiting Committee, and there would have been no ground for complaint.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I do not see any reason why this power should be taken away from the Inspector-General. After all he is the administrative head of the department and he will be responsible for the proper working of the Borstal School. The duties of the Visiting Committees are advisory and not administrative. In the present case I do not see any reason for any departure from the usual practice. If my friend, Rai Harendranath Chaudhuri, will withdraw his amendment I am prepared to add the following proviso after clause 12 (*1*).—

> "Provided that if in any case the Inspector-General of Prisons does not accept the recommendation of the Visiting Committee under this sub-section, he shall report to Government his reasons for not accepting the recommendation."

Rai HARENDRANATH CHAUDHURI: I accept the amendment.

The motion of Rai Harendranath Chaudhuri was then, by leave of the Council, withdrawn.

Clause 12 (*1*) as now amended by the Hon'ble Maharaja Bahadur of Nadia, was then put and agreed to.

Mr. P. C. BASU: I beg to move that in clause 12 (*1*) (*a*), after the word "Government" the words "other than a police officer" shall be added.

The only reason for putting the words "other than a police officer" is to let the adolescent offenders have some chance to do their work free from the kindness of the police officers.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The reason which my friend has given is not very clearly intelligible to me. The words "Officer of Government" appear in the Madras and the Punjab Acts. We have simply followed them here. Government, however, do not intend to make use of police officers

for this purpose if it can possibly be helped, but it is perhaps inadvisable to insert it in the Bill. I, therefore, oppose this amendment.

The motion of Mr. P. C. Basu was then put and lost.

6 P.M.

Mr. P. C. BASU: I beg to move that in clause 12 (*1*), penultimate line, for the words "Inspector-General" the words "Visiting Committee" shall be substituted.

I think, Sir, the Visiting Committee ought to know better and more about the adolescent offenders who are in the jails for the time being and if they recommend anything their recommendation should be accepted; they also ought to know more about where the adolescent offenders ought to live and it is for this purpose that I have moved the above motion, namely, that for the words "Inspector-General" the words "Visiting Committee" should be substituted.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: In this amendment it is sought to give to the Visiting Committee the duty of approving the supervising authority for the inmates of the Borstal school let out on license. It is hardly feasible for a Visiting Committee to do all the work. Each boy will need separate arrangement and there may be a lot of correspondence to do in each case.

The work of selecting the supervision of boys let out on license could be done by a properly organised society but hardly by a Visiting Committee.

The approval of the Inspector-General of Prisons would in any case be essential, and the whole responsibility could not be cast on the Visiting Committee. The amendment, therefore, cannot be accepted.

The motion of Mr. P. C. Basu was then put and lost.

Rai HARENDRANATH CHAUDHURI: I beg to move that at the end of clause 12 (*1*) the following proviso be added, namely:—

> "Provided that no adolescent offender shall be permitted by license to live under the supervision and authority of a religious society professing a religion other than the religion of the adolescent offender."

Clause 12 provides that adolescent offenders may be granted a license to reside under the care of a religious society. I cannot understand what better influence can be brought to bear upon an adolescent offender than religious influence and what religion can better correct and reform his life than that of his father. I, therefore, suggest that

whenever a religious society is selected for an adolescent offender regard must be had to the religion of the society as well as to the religion professed by the adolescent offender, and every endeavour should be made to place him in the care and custody of a religious society which professes the same religion as he does.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The object of this amendment is to prevent proselytising by religious societies. I admit that the principle of the amendment is sound, but its practical application may not be free from difficulties. It may so happen that a suitable institution professing the same religion will not be available and the offender as well as his guardian, if any, may be quite willing to avail of an institution professing a different religion. There is no reason why the hands of the authorities should be tied in such a case. In fact our intention was to make a rule to this effect.

I am, therefore, prepared to accept the amendment with this addition—

"except with his consent or that of his guardian, if any."

Rai HARENDRANATH CHAUDHURI: I can accept the amendment in this form.

The motion of Rai Harendranath Chaudhuri was then put in the following amended form and agreed to:—

"Provided also that no adolescent offender shall be permitted by license to live under the supervision and authority of a religious society professing a religion other than the religion of the adolescent offender except with his consent or that of his guardian, if any."

Mr. PRESIDENT: The question is that clause 12, as amended, stand part of the Bill.

The motion was then put and agreed to.

Clause 13.

Rai HARENDRANATH CHAUDHURI: I beg to move that in clause 13 (*1*), line 2, the words "may at any time, and" be omitted.

Clause 13 proposes that "subject to the prescribed conditions the Inspector-General of Prisons may at any time and shall at the request of the institution, society or person under whose supervision and authority the adolescent offender has by license been permitted to live, revoke a license granted under section 12." That is, the Inspector-General of Prisons shall be given power to revoke a license on his

own initiative—a license that was presumably granted by him on the recommendation of the Visiting Committee after considering the *pros* and *cons* and all the circumstances of the case. I do not know why he should have the initiative in this matter when in another portion of the Bill it is provided that when an adolescent offender is found incorrigible by the institution or person under whose care he has been licensed to live, the local Government will have the power of revoking the license. I think the Inspector-General of Prisons should not be vested with the power and initiative proposed to be given to him in this clause, and so I propose my motion. A license should be revocable only on the recommendation of the person or the institution under whose supervision an adolescent offender has been licensed to live.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: This amendment, again, seeks to limit the discretion of the Inspector-General of Prisons. There will be many cases in which the Inspector-General may on his own motion have to revoke a license, without the request from those who are looking after the youth, *e.g.*, when he finds that the boy is not being properly looked after by the person or society in whose custody he is, or when the person dies or the society ceases to function. So the Inspector-General must be given this power in this case.

If, however, the House think that he should not have the final powers, I am prepared to make his orders "subject to the approval of the local Government" when the order is discretionary. I think this might be done by rules and hope that my friend will not press his amendment.

Rai HARENDRANATH CHAUDHURI: As the Hon'ble Member proposes that the Inspector-General's order should be "subject to the approval of the local Government," I do not press my amendment. But do I understand that the Hon'ble Maharaja Bahadur proposes to move an amendment?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I do not know how it will read.

Rai HARENDRANATH CHAUDHURI: It is not a question of sounding but of legislation, Sir, and we want to know who is to be invested with the power of revoking the license.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I think instead of "subject to the approval of the local Government" the words "with the approval of the local Government" would be better drafting.

Rai HARENDRANATH CHAUDHURI: I accept the amendment of the Hon'ble Maharaja Bahadur.

The motion that in clause 13 (*1*), line 2, after the words "may at any time," the words "with the approval of the local Government" be inserted was then put and agreed to.

Mr. PRESIDENT: The question is that clause 13, as amended, stand part of the Bill.

The motion was then put and agreed to.

Clause 14.

Mr. PRESIDENT: The question is that clause 14 stand part of the Bill.

The motion was put and agreed to.

Clause 15.

Rai HARENDRANATH CHAUDHURI: I beg to move that at the end of clause 15 the following proviso be added, namely:—

> "Provided further that no such adolescent offender shall be ordered by the local Government to be punished with rigorous imprisonment unless such imprisonment was provided by law for the original offence or the failure to give security, as the case may be, in consequence of which he was ordered to be detained in a Borstal school."

It is evident that the local Government should not have the power to make a sentence more drastic than the original sentence passed upon an adolescent offender by a court of law.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I think I can cut short the debate by saying that I accept the amendment.

The motion of Rai Harendranath Chaudhuri was put and agreed to

Mr. PRESIDENT: The question is that clause 15, as amended, stand part of the Bill.

The motion was then put and agreed to.

6-45 P.M.

Clause 16.

Babu BEJOY KRISHNA BOSE: I move that in clause 16 (*f*), line 3, after the word "sent" the words "and the course of training under the modified Borstal system" be added, and the word "and" at the end be omitted.

It would perhaps be said that no modified Borstal system is defined in the Act but we have the assurance given just now that in a portion of the Dacca Jail there would be a modified Borstal system of training. Government have taken on themselves the power to make rules. But I suggest that this provision should be in the Act itself.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I beg to differ from the hon'ble member because there is no definition of a "modified Borstal" system in the Bill and, therefore, there cannot be any such provision in the rules. I do not think that it is proper to have this in the Act itself.

Babu BEJOY KRISHNA BOSE: But you do not say what training is to be given at Dacca. If it is a modified Borstal training, it ought to be provided for in the Act.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: That may be done by executive orders.

Lt.-Col. W. C. HAMILTON: The intention is for inmates who have been sentenced to periods less than two years and whose age is between 16 and 21 years that they should be kept in a special jail as done in Madras. The Palamcotta District Jail has been converted into a Juvenile Jail for adolescent offenders who undergo a training similar to that given in the Borstal institution and it is convenient to have it done in this way. The same procedure is adopted in England. One of the prisons is the receiving house for all juvenile offenders where they give a Borstal school training to those committed for lesser periods. The lads are first of all brought to a prison which is a juvenile prison quite separate from the adult prisons. These lads are kept there for a short period where enquiries are made about their circumstances. At the same time they are medically examined and their mental capacity gone into and then those who have been sentenced for a lesser period are sent to a Borstal institution, the Governor of Wandsworth Prison deciding which Borstal institution is the most suitable. One institution is set apart for boys and young men whose mental capacity is not of high standing yet who are not classed as mentally defective. The other boys who have been committed to short sentences remain at Wandsworth Prison and undergo exactly the same

training as they do in other Borstal institutions. This system of training is known as the modified Borstal training although it is not legally recognised. It is only a term used for convenience. This system is also followed in Madras. I can assure the hon'ble members that we intended to have it in one district jail only. We hope to get a portion of the Mental Hospital land at Dacca which adjoins with the Central Jail and we intend to convert it into a juvenile jail for adolescent offenders who are not suitable for full Borstal training.

The motion of Babu Bejoy Krishna Bose was then put and lost.

Babu BEJOY KRISHNA BOSE: I move that in clause 16 (*f*) the word "and" at the end be omitted and after sub-clause (*f*) the following sub-clause be added namely:—

"(*g*) the after-care of alolescent offenders on discharge from Borstal schools and."

Sir, section 16 is the rule-making section. Formerly there used to be no such section in the Bills. Now-a-days there is legislation behind legislation and a section like this which empowers Government to make rules which have got the force of law is of recent origin. When by this section power is given to Government to make rules, I submit that they should also be authorised to make rules for the after-care of adolescent offenders after they are discharged from the Borstal school. In the collection of Opinions which have been sent to us by the Legislative Department we find that almost all the persons and associations consulted lay great stress upon this provision of after-care. In England there are Borstal associations. Its member go round to the houses of people who are discharged and find employment for them. In that way the members of the associations do very useful work. Now after-care after all is not a very difficult thing. If you read the report of the Bengal Jails Committee you will find among their recommendations two or three paragraphs dealing with after-care of adolescent offenders between the ages of 16 and 21. You will also find that Members of that Committee, Mr. Justice Pearson, Mr. Marr and Mr. Momin recommended to Government that in the case of adult persons there ought to be a regular course of training lectures and other things in the jail and previous to their discharge, a few months before they are discharged, the Inspector-General of Prisons, must ascertain from them the names of their native villages and guardians and at once communicate to their relations and also to the Subdivisional Magistrate and, if necessary, to Circle Officers, so that these people as soon as released may be given money to go to their houses and their relations may even be asked to come and receive them at the jail, and that if there were local industries in which they can be employed it would be the duty of the Magistrate or the Circle Officers and their people to find employment for them. Well.

Sir, if it can be done for adult prisoners of any age I think that it should be done for adolescent prisoners as well and that Government should be given power to make rules to that effect. Unless you make provision for them the whole of the training would be wasted. Therefore I do hope, the House will unanimously accept my amendment.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have very clearly said in introducing this Bill that Government are not prepared to undertake the after-care of the adolescent offenders. It is more a matter for the general public than for the Government. We can, however, financially assist such institutions or societies as may provide for the employment of the discharged inmates of Borstal schools. I am told that in Madras they have got some excellent institutions and I see no reason why such institutions should not spring up in Bengal. We have got Rs. 3,000 provided in the current year's budget. I think that if the public will come forward with further donations, such "discharged prisoners' aid societies" could be easily established in Bengal. We have made no provision for after-care in the Bill and I do not think it will be proper to make such provision in the rules. After all, as my friends has already mentioned, Government have been advised to exercise certain powers with regard to prisoners. Government have already got that power and that power can be exercised with regard to the inmates of Borstal schools after their release. I hops, therefore, that my friend will withdraw the amendment.

6-30 P.M.

The motion of Babu Bejoy Krishna Bose was then put and a division taken with the following result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prometha Nath.
Banerjee, Mr. A. C.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chaudhuri, Rai Harendranath.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Hoque, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Masker, Babu Hem Chandra.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Shamsur-.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Chakravarti, the Hon'ble Mr. Byomkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cooper, Mr. C. C.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Sir James.
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Gilchrist, Mr. R. N.
Hamilton, Lieutenant-Colonel W. C.
Husain, Maulvi Latafat.
James, Mr. F. E.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Lindsay, Mr. J. H.
Maguire, Mr. L. T.
Marr, Mr. A.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Ordish, Mr. J. E.
Phelps, Mr. Trevor J.
Philip, Mr. J. Y.
Prentice, Mr. W. D. R.
Raikat, Mr. Prasanna Deb.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Shah, Mr. Ghulam Hossain.
Skinner, Mr. S. A.
Stuart-Williams, Mr. S. C.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

The Ayes being 44 and the Noes 48 the motion was lost.

The following motion being a consequential one failed:—

Babu BEJOY KRISHNA BOSE to move that sub-clause (*g*) of clause 16 be renumbered as sub-clause (*h*).

The following motions were called but not moved and therefore deemed to be withdrawn:—

Mr. P. C. BASU to move that to clause 16 (*1*), the following be added, namely:—

"not in any way inconsistent with the provisions thereof."

Mr. P. C. BASU to move that in clause 16 (*3*), line 1, after the word "section" the following shall be inserted, namely:—

"shall be laid on the table for at least a week during the session of the Legislative Council and if no objection raised thereto."

Mr. PRESIDENT: The question is that clause 16 stand part of the Bill.

The motion was put and agreed to.

Preamble.

The following motion failed:—

Babu BEJOY KRISHNA BOSE to move that in the Preamble, line 3, after the word "offenders" the words "and for the after-care of their inmates after discharge" be added.

Mr. PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I beg to move that the Bengal Borstal Schools Bill, 1927, as amended, be passed. In making this motion I congratulate the House on placing a very useful piece of legislation on the Statute Book. Sir, I cannot refrain from alluding to the omission which has unfortunately been made of clause 4; that makes the position a little complicated, because that is the clause by which you could enforce discipline and so far as the present Bill stands, it is divested of the disciplinary portion. I am, however, glad that the Bill has been placed on the Statute Book, and we shall try to make up the defect by rules, if possible.

The motion that the Bengal Borstal Schools Bill, 1927, as settled in Council, be passed was then put and agreed to.

[At 6-37 P.M. the Council was adjourned and it reassembled at 6-52 P.M.]

The Calcutta Vehicles Bill, 1927.

The Hon'ble Mr. A. N. MOBERLY: I beg to introduce a Bill to provide for the better control of horse-drawn vehicles in Calcutta.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. A. N. MOBERLY: I move that the Vehicles Bill, 1927, be taken into consideration.

I do not propose to make a long speech at this hour. The objects of this Bill have been set forth in the Statement of Objects and Reasons which is in the hands of all the members of this Council. There has been almost a universal demand in Calcutta for legislation on these lines; the Commissioner of Police, the Calcutta Corporation, the Bengal Chamber of Commerce, and the Automobile Association have all urged its desirability. This Bill, as drafted, closely follows the Motor Vehicles Act and its form is simple. With these words I move the motion.

Rai HARENDRANATH CHAUDHURI: I beg to move that the Calcutta Vehicles Bill, 1927, be circulated for the purpose of eliciting opinion thereon before the 23rd of October, 1927.

The Hon'ble Mr. Moberly has said that there is a universal demand for legislation to control and regulate the traffic of horse-drawn vehicles. This may or may not be the case, but there cannot be any doubt that the office-jaun menace is being magnified to a great extent. In the last published Annual Report on the Police Administration in the town of Calcutta and its suburbs, we find that the injury from reckless driving of these vehicles is much less than the injury caused by other forms of vehicles in use in Calcutta. I refer to paragraph 8 of the Police Administration Report of the town of Calcutta and its suburbs for 1926.—

"The total number of accidental and unnatural deaths was 453 as opposed 419 in 1925 and 443 in 1924. The following table gives the details of street accidents for the past three years:—

	1924.		1925.		1926.	
	Injured.	Killed.	Injured.	Killed	Injured.	Killed.
Tramcar	257	16	278	18	214	14
Motor vehicles ..	846	71	950	88	1,133	78
Hackney carriages ..	77	4	79	7	68	4
Other public conveyances.	180	10	129	6	88	5
Private horse-drawn conveyances.	32	8	39	6	75	2

I, therefore, maintain that the office-jaun menace is being exaggerated to a great extent.

7 P.M.

I hold further, that there is no urgency for passing this Bill. At any rate if this enactment be postponed for a few months just to elicit what the public opinion really is, certainly that will not cause much difficulty. Then, Sir, it will be seen that the Bill is defective from more than one point of view. In the Bill no definition could be given of the very thing which it is proposed to control, namely, the office-jaun. They could devise no definition of that type of conveyance, and the Bill, as it stands, is applicable to all forms of horse-driven vehicles. The Government, therefore, I think, is taking much larger

powers than they ought to take if all that they intend to control is the traffic of office-jaun. Then it is proposed to extend the Bill to areas outside Calcutta. It may be said that there is no proposal to give immediate effect to the Bill so far as towns and areas outside Calcutta are concerned, but Government is taking that power although it cannot be said that the office-jaun menace there really is in any area outside the metropolis. Therefore, I suggest that the Bill should be circulated for eliciting public opinion thereon and I have also mentioned in the motion the 23rd of October, 1927, as the date before which the public opinion should be gathered, and have, therefore, proposed the postponement of the Bill for two months only.

The Hon'ble Mr. A. N. MOBERLY: As I have already pointed out, this Bill is meant primarily for Calcutta. I observe that this motion was not made by any member representing the Calcutta constituencies nor has any member of a Calcutta constituency spoken in favour of this motion. There does not seem to be any reason whatever to postpone the Bill and I do not know if members will consider that 35 injuries and two deaths are a slight matter.

The question about its extension to areas outside Calcutta can be considered separately, but it is not necessary to circulate the Bill to ascertain public opinion on the subject. The Bill has been in the hands of members for seven days, and nobody has protested against it except the mover who does not represent Calcutta. I beg, therefore, to oppose the motion.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon before the 23rd of October, 1927, was then put and a division taken with the following result:—

AYES.

Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakravarty, Babu Jatindra Nath.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Husain, Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Sarada Kripa.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Shamsur-.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Ray, Dr. Sidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Chakravarti, the Hon'ble Mr. Byomkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cooper, Mr. C. C.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Sir James.
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. C. M.
Forrester, Mr. J. Campbell.
Ghosh Maulik, Babu Satyendra Chandra.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Gilchrist, Mr. R. N.
Hamilton, Lieutenant-Colonel W. G.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Maulvi Latafat.
James, Mr. F. E.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Lindsay, Mr. J. H.
Maguire, Mr. L. T.
Marr, Mr. A.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Moberly, the Hon'ble Mr. A. N.
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Ordish, Mr. J. E.
Phelps, Mr. Trevor J.
Philip, Mr. J. Y.
Prentice, Mr. W. D. R.
Raikat, Mr. Prosanna Deb.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Sachse, Mr. F. A.
Sarker, Rai Sahib Rebati Mahan.
Sattar, Khan Sahib Abdus.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Stuart-Williams, Mr. S. C.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

The Ayes being 40 and the Noes 50, the motion was lost.

Rai HARENDRANATH CHAUDHURI: Sir, may I ask whether I should mention the names of only those members whose consent I have got to serve on the Select Committee?

Mr. PRESIDENT: Yes, you can mention the names of only those members who have consented to serve on the Committee.

Rai HARENDRANATH CHAUDHURI: I beg to move by way of amendment that the Calcutta Vehicles Bill be referred to a Select Committee consisting of the Hon'ble Mr. A. N. Moberly, Dr. Sir Deva Prosad Sarbadhikari, Mr. J. M. Sen Gupta, Babu Prabhu Doyal Himatsingka, Dr. J. M. Das Gupta, Babu Bejoy Krishna Bose, Mr. A. C. Banerjee, Dr. Pramathanath Banerjea, Mr. H. S. Suhrawardy, Mr. A. McD. Eddis, Mr. Satish Chandra Sen and myself with instructions to submit their report in time for its consideration at the next session of the Bengal Legislative Council.

I for myself cannot understand why this Bill is being rushed through at this stage of the Council meeting and what the Government will stand to lose if this enactment be postponed till the next session of the Bengal Legislative Council. In reply to my last motion the Hon'ble Mr. Moberly said that the objection is coming from a person who is not representing Calcutta and not from the representatives of the Calcutta constituencies. In the Select Committee I have

been careful to mention only the names of those members who represent Calcutta constituencies. Will the Hon'ble Mr. Moberly's regard for the opinion of the representatives of Calcutta evaporate now or is he prepared to consult them regarding the desirability of this Bill and take the opinion of the members representing Calcutta constituencies on the actual provisions made in the Bill? This motion is really a test of the sincerity of the objection that was made by him a few minutes ago, *viz.*, that the Calcutta people are all for the Bill and are not opposed to the Bill.

7-15 P.M.

Dr. PRAMATHANATH BANERJEA: As a member representing one of the Calcutta constituencies I feel it may duty to support this amendment. The Hon'ble Mr. Moberly has said that there is a great need for this Bill. I do not object to a Vehicle Bill being brought forward but I do not see what urgent necessity there is for rushing this Bill through this Council. Such undue haste does not appear to me to be at all desirable. In the Statement of Objects and Reasons it is pointed out that it has been found very difficult to define an "office-jaun" and if the definition of an office-jaun be so difficult there may be many other clauses in the Bill which may be found to be still more difficult. I object to the indecent hurry in this matter and I support the motion for referring the Bill to a Select Committee where the various provisions of the Bill will be very carefully considered.

Babu PRABHU DOYAL HIMATSINGKA: As a member representing a constituency of Calcutta where a large number of office-jauns are used by men of my community I beg to support the motion of Rai Harendranath Chaudhuri. There is no necessity of rushing the Bill through; we have waited so long and there will be no harm in waiting for another three or four months for the Bill to be considered by the Select Committee proposed by the mover. I do not think that the House will lose anything if the motion be accepted.

Babu BEJOY KRISHNA BOSE: As a member representing a Calcutta constituency I support the amendment of Rai Harendranath Chaudhuri on one other ground. I do not know what would be the procedure now. To-day's time is almost up and if the Bill be not referred to a Select Committee, Rai Harendranath Chaudhuri has tabled a large number of amendments, are we to sit up the whole night and consider all those amendments. I think the Hon'ble Mr. Moberly will kindly accept the present amendment for referring the Bill to a Select Committee so that the Bill might come up before the November session of the Council.

The Hon'ble Mr. A. N. MOBERLY: As I have already stated this Bill is an extremely simple matter based on the Motor Vehicles Act which has been in force for the last 12 or 13 years and has worked satisfactorily. There was one difficulty—the difficulty of defining an office-jaun. A considerable time elapsed whilst a definition was being sought for and it was at last decided that the best way of overcoming it was by including all horse-drawn vehicles and exempting those which it was not necessary to control under an Act. I am afraid I do not think that a Select Committee would help very much or will be of any use here. I, therefore, beg to oppose the motion.

The motion of Rai Harendranath Chaudhuri was then put and a division taken with the following result:—

AYES.

Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Prematha Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Basi Sekhar.
Basu, Mr. P. C.
Bose, Babu Bijoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Nimatsingka, Babu Prabhu Doyal.
Hoque, Kazi Emdadul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Lala, Babu Saroda Kripa.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Rahman, Maulvi Shamsur-.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Chakravarti, the Hon'ble Mr. Byomkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cooper, Mr. C. C.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Sir James.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghosh Maulik, Babu Satyendra Chandra.
Ghuznavi, the Hon'ble Nadji Mr. A. K. Abu Ahmed Khan.
Gilchrist, Mr. R. N.
Hamilton, Lieutenant-Colonel W. G.
Huq, Khan Bahadur Maulvi Ekramul.
James, Mr. F. E.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Lindsay, Mr. J. H.
Maguire, Mr. L. T.
Marr, Mr. A.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Moberly, the Hon'ble Mr. A. N
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Ordish, Mr. J. E.
Phelps, Mr. Trevor J.
Philip, Mr. J. Y.
Prentice, Mr. W. D. F.
Raikat, Mr. Prosanna Deb.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.

[illegible], Mr. R. N.
[illegible], Mr. F. A.
[illegible]ar, Rai Sahib Rebati Mohan.
[illegible]ar, Khan Sahib Abdus.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Stuart-Williams, Mr. S. C.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

The Ayes being 38 and Noes 49 the motion was lost.

The motion that the Calcutta Vehicles Bill, 1927, be taken into consideration was then put and agreed to.

Clause 1.

Rai HARENDRANATH CHAUDHURI: I beg to move that in clause 1 (2) the words " in the first instance " be omitted.

If I can anticipate the next motion on clause 2 I think I can explain my object better. In moving this amendment my object is to suggest that the Bill should be enacted for Calcutta only and that its application should be confined to the limits of the metropolis. No case has been made out by the Hon'ble Member why he is going to make provision for any area outside Calcutta. All that he can possibly say is that in future it may be necessary to extend the Bill to other areas than Calcutta. What emergency or necessity will in the distant future arise or not no one can say. If there be any necessity for the enactment of such a measure at present, well it may be alleged to have arisen in connection with Calcutta only where a large number of offiee-jauns are used. No case has been made out for applying its provision to any area other than Calcutta. It may be repeated it is not proposed to apply this Act just at present to any area outside Calcutta. If it is not required now for any area outside Calcutta why do you make provision for its extended application at all? You can leave that to future legislators and future Legislative Councils and you need not anticipate their work.

7-30 P.M.

Dr. PRAMATHANATH BANERJEA: Sir, I beg to second this amendment. The conditions in Calcutta are very different from conditions which prevail in other areas, and the rules, therefore, which may be suitable for Calcutta office-jauns may not be suitable in mufassal. The office-jauns or the horse-drawn vehicles still serve a useful purpose particularly in the mufassal and, therefore, I do not think it is desirable to extend this Act to the mufassal. If it is found necessary to extend the Act in future that may be done by legislation and not by an executive order.

The Hon'ble Mr. A. N. MOBERLY: Sir, it is a usual form of legislation. We have not the slightest intention of extending this Act any where beyond Calcutta at present. But similar trouble may

arise in Howrah or Tollygunge and then we shall not want to trouble the Legislative Council with a fresh Bill. The legislature can be saved from a great deal of trouble in this way.

The motion of Rai Harendranath Chaudhuri was then put and lost.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was then put and agreed to.

Clause 2.

Rai HARENDRANATN CHAUDHURI: I formally move that clause 2 be omitted.

The Hon'ble Mr. A. N. MOBERLY: I formally oppose it.

The motion of Rai Harendranath Chaudhuri was then put and lost.

Rai HARENDRANATH CHAUDHURI: I formally move that in clause 2 (*a*) the words "or local area" be omitted.

The Hon'ble Mr. A. N. MOBERLY: I formally oppose it.

The motion of Rai Harendranath Chaudhuri was put and lost.

The following motion was, by leave of the Council, withdrawn:—

If motion No. 10D be not carried, Rai Harendranath Chaudhuri to move that in clause 2 (*b*) the following words be omitted, namely:—

"or any other town or local area to which this Act is extended under clause (*a*)."

Mr. P. C. BASU: I move that in the second proviso to clause 2, line 1, the word "finally" be omitted.

The Hon'ble Mr. A. N. MOBERLY: I formally oppose it.

The motion of Mr. P. C. Basu was then put and lost.

The following motion was, by leave of the Council, withdrawn:—

Mr. P. C. BASU to move that after the second proviso to clause 2, the following proviso be added, namely:—

"Provided also that before finally publishing the said notification the local Government shall lay the draft of the same as published aforesaid or amended in the light of the objections submitted to it together with such objections on the table of the Bengal Legislative Council during session for a week and if it be not disapproved by the said Council, the same shall be deemed to be passed by it."

Mr. PRESIDENT: The question is that cl rt of the Bill.

The motion was then put and agreed to.

Clause 3.

The following motions were called but not moved and, therefore, deemed to be withdrawn: —

Mr. P. C. BASU to move that in clause 3 (5), line 3, after the words "human beings" the words "within the area where this Act applies," be inserted.

Mr. P. C. BASU to move that after clause 3 (5) the following sub-clauses be added, namely: —

"(6) 'Prescribe' means prescribed by rules made under this Act.

(7) 'Licensing Officer' means the authority prescribed by the local Government under the rules made hereunder for the purpose of granting, cancelling, suspending or revoking licenses mentioned herein.

(8) 'Person in charge' means any person other than the owner in whose custody or charge the vehicle is for the time being either by way of loan or hire or for any other purpose.

(9) 'Driver' means any person who has been granted a license under section 7 and includes owner or person in charge if they are actually driving the vehicles being in possession of the required license."

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Clause 4.

The following motions were called but not moved and, therefore, deemed to be withdrawn: —

Babu BEJOY KRISHNA BOSE to move that in clause 4 (2), line 1, after the word "shall" the words "knowingly and without due inquiry" shall be inserted.

Mr. P. C. BASU to move that in clause 4 (2), lines 5 and 6, after the words "the consent of" the words "the driver or in the absence

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The motion was put and agreed to.

Clause 5.

The following motions were called but not moved and, therefore, deemed to be withdrawn:—

Mr. P. C. BASU to move that in clause 5, line 1, for the words "person in charge" the word "driver" be substituted.

Mr. P. C. BASU to move that in clause 5(*b*), lines 3 and 4, after the words "in charge of a person" the word "due" be inserted, and in line 6 after the words "address of the owner" the words "or person in charge" be inserted.

Mr. P. C. BASU to move that after clause 5(*b*), the following proviso be added, namely:—

"Provided that if the said driver fails or neglects to do so and the owner or person in charge aids or abets in such act the owner or the person in charge shall be equally guilty of violating the provisions thereof."

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

The motion was put and agreed to.

Clause 6.

The following motions were called but not moved and, therefore, deemed to be withdrawn:—

Rai HARENDRANATH CHAUDHURI to move that in clause 6, penultimate line, for the words "five hundred" the words "two hundred" shall be substituted.

Babu BEJOY KRISHNA BOSE to move that in clause 6, penultimate line, for the words "five hundred" the words "three hundred" shall be substituted.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

The motion was put and agreed to.

The following motion was called but not moved and, therefore, deemed to be withdrawn:—

Rai HARENDRANATH CHAUDHURI to move that to the heading of Part III the words "in Calcutta" be added.

Clause 7.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The motion was put and agreed to.

Clause 8.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

The motion was put and agreed to.

Clause 9.

Mr. PRESIDENT: The question is that clause 9 stand part of the Bill.

The motion was put and agreed to.

Clause 10.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

The motion was put and agreed to.

Clause 11.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

The motion was put and agreed to.

Clause 12.

The following motions were called but not moved and, therefore, deemed to be withdrawn:—

Mr. P. C. BASU to move that in clause 12 (*1*), lines 4 and 5, for the words "in the whole or any part of Bengal" the words "in the area where the Act applies" be substituted.

Rai HARENDRANATH CHAUDHURI to move that in clause 12 (2) (*c*) the following words be omitted, namely:—

"the construction and equipment of vehicles including."

Rai HARENDRANATH CHAUDHURI to move that clause 12 (2) (*f*) be omitted.

Mr. P. C. BASU to move that in clause 12 (*8*), line 1, after the words "All rules" the words "or subsequent alterations or modifications thereof" be inserted, and after the words "section shall be" the following words be inserted, namely:—

"laid on the table of the Bengal Legislative Council during session for a week and if not disapproved by the Council, shall be deemed to be passed by it and thereafter shall be."

Mr. PRESIDENT: The question is that clause 12 stand part of the Bill.

The motion was put and agreed to.

Clause 13.

The following motion was called but not moved and, therefore, deemed to be withdrawn:—

Rai HARENDRANATH CHAUDHURI to move that in clause 13, line 3, the words "prohibiting or" be omitted.

Mr. PRESIDENT: The question is that clause 13 stand part of the Bill.

The motion was put and agreed to.

Clause 14.

The following motion was called but not moved and, therefore, deemed to be withdrawn:—

Rai HARENDRANATH CHAUDHURI to move that after clause 14 the following new clause be inserted, namely:—

"14 A. No provision in this Part shall apply to any area outside Calcutta."

Mr. PRESIDENT: The question is that clause 14 stand part of the Bill.

The motion was put and agreed to.

Clause 15.

Mr. PRESIDENT: The question is that clause 15 stand part of the Bill.

The motion was put and agreed to.

Clause 16.

Mr. PRESIDENT: The question is that clause 16 stand part of the Bill.

The motion was put and agreed to.

Clause 17.

The following motions were called but not moved and, therefore, deemed to be withdrawn :—

Rai HARENDRANATH CHAUDHURI to move that to clause 17 (*1*) the following words be added, namely :—

" and may cancel or suspend any license granted under this Act."

Rai HARENDRANATH CHAUDHURI to move that clause 17 (*2*) be omitted.

Rai HARENDRANATH CHAUDHURI to move that in clause 17 (*3*), lines 9 and 10, the following words be omitted, namely :—

" and by sub-section (*2*) on the prescribed authority."

Mr. PRESIDENT: The question is that clause 17 stand part of the Bill.

The motion was put and agreed to.

Preamble.

Mr. PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. A. N. MOBERLY: I beg to move that the Calcutta Vehicles Bill, 1927, be passed.

The motion was put and agreed to.

The Bengal Land Development Bill, 1927.

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I move to introduce a Bill to provide for the making and execution of land development schemes and town-planing schemes in Bengal.

The Secretary then read the short title of the Bill.

The Bengal Mining Settlements Bill, 1927.

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I beg leave to introduce a Bill to amend and consolidate the law relating to the control and sanitation of Mining Settlements in Bengal.

The Secretary then read the short title of the Bill.

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I beg leave to move that the said Bill be circulated for the purpose of eliciting opinion thereon.

This Bill is simply intended to replace the Bengal Mining Settlement Act, 1912. That Act becomes obsolete and requires fresh legislation. A useful model has been found in the Bihar and Orissa Mining Settlement Act of 1920 and to a large extent the provisions of that Act have been reproduced in the Bill. The Statement of Objects and Reasons mentions in what respects the Bill differs from the Act of 1912. The procedure for constituting the Mines Board of Health has been simplified and the Board itself has been enlarged. The increased powers given to the Board by the Bill will make it a more efficient instrument for enforcing sanitary measures in the mining settlement. As the Bill effects only a small area and certain limited interests it is not proposed to circulate it widely. The opinions of those who are concerned with the administration of the colliery area and of those who are intended in the coal mining industry only will be invited.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 25th August, 1927, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday the 25th August, 1927, at 3 P.M.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 124 nominated and elected members.

Oath.

The following member made an oath of his allegiance to the Crown:—

Mr. J. A. MACBEAN.

Unstarred Questions (left over from the day before) (answers to which were laid on the table).

Special class of prisoners.

SUPPLEMENTARY QUESTIONS TO QUESTION NO. 55 (UNSTARRED).

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state if there are any Indians classed as special class prisoners?

MEMBER in charge of POLITICAL [JAILS]DEPARTMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): Yes.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state how many Indians there are who have been classed as such?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: At present there is only one.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state in what jail this special class prisoner is at present?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: So far as my information goes, he is in Midnapore jail.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if copies of the Jail Code are available to members of the Legislative Council?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Plenty of copies of the Jail Code are available for sale at Rs. 3-8 a copy. One copy is kept in the Legislative Council Library.

Muhammadan headmasters of Government High Schools.

56. Maulvi KASIRUDDIN AHAMAD: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state the present number of—

(*i*) headmasters; and

(*ii*) assistant headmasters;

in the Government High English Schools?

(*b*) How many of them are Hindus?

(*c*) How many of them are Muhammadans?

(*d*) What steps, if any, are being taken by the Government to raise the number of Muhammadan teachers?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. Byomkes Chakravarti): (*a*) (*i*) 41; (*ii*) 41.

(*b*) and (*c*).

	Headmasters.	Assistant Headmasters.
Hindus	... 33	32
Moslems	... 6	8
Others	... 2	1
Total	... 41	41

(*d*) Government are making constant efforts to increase the number of properly qualified and efficient Muhammadan teachers in these schools.

Inspectors, Auditors and Supervisors of Co-operative Societies.

57. Mr. SYED MD. ATIQULLAH: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the number of Inspectors, Auditors and Supervisors of Co-operative Societies appointed in the year 1927;

(*ii*) how many of them were Moslems; and

(*iii*) how many of them were appointed by Government direct?

(*b*) Will the Hon'ble Minister be pleased to state whether any appointments of Auditor, Supervisor and Inspector are going to be made in the near future?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): (*a*) (*i*), (*ii*) and (*iii*) A statement is laid on the table.

(*b*) The question of increasing the staff of Inspectors and Auditors is under the consideration of Government.

Statement referred to in answer to part (a) (i), (ii) and (iii) of unstarred question No. 57.

Number of Inspectors, Auditors and Supervisors of Co-operative Societies appointed in the year 1927. Two Inspectors and three Auditors have been appointed temporarily this year, by promotion from Auditors and Supervisors respectively. Supervisors are appointed by the Central Co-operative Banks concerned.

How many of them were Moslems. Three—one Inspector and two Auditors.

How many of them were appointed by Government.—None.

Assistant Director of Agriculture.

58. Babu BEJDY KRISHNA BOSE: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) who is the Assistant Director of Agriculture now;

(*ii*) what are his functions;

(*iii*) whether he was a Deputy Director of Agriculture for some years; and

(*iv*) what was the special necessity for making him the Assistant Director?

(*b*) Is it a fact that the Rangamati Farm in Chittagong Hill Tracts is under the control of the Assistant Director and all other farms in East Bengal are controlled by the Deputy Director, Eastern Circle?

(*c*) If so, why the Rangamati Farm is not put under the Deputy Director, Eastern Circle?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) (*i*) Mr. K. McLean.

(*ii*) and (*iv*) To assist the Director of Agriculture mainly on the demonstration side of the work of the department and also generally in administrative matters.

(*iii*) Yes.

(*b*) Yes.

(*c*) The present Deputy Director of Agriculture has had no experience of the system of "jhuming" (*i.e.*, how to use the hillsides to the best advantage without danger of overcropping and erosion), the main problem in the Chittagong Hill Tracts.

Drainage of Suadighi and Gangakhali basin.

59. Babu MAHENDRA NATH MAITI: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that a sum of Rs. 25,000 was included in the budget of this year for the improvement of the drainage of Suadighi and Gangakhali basin in the Tamluk subdivision and other small schemes in the Midnapore district and that this sum was sanctioned?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) what action, if any, has been taken up to this time in connection with these schemes; and

(*ii*) whether any action will be taken in the near future and before the close of the present financial year?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) Yes.

(*b*) (*i*) A scheme has been prepared by the Chief Engineer.

(*ii*) The matter now rests with the Collector who will follow the procedure prescribed in the Act for consulting persons interested and deciding objections.

done by floods in certain thanas of Midnapore.

60. **Babu PROMOTHA NATH BANERJEE:** (*a*) Is the Hon'ble Member in charge of the Department of Revenue aware that considerable damages have been done this year by floods to the mud-built houses and paddy seedlings of the parganas of Sujamutha, Bhuiamutha and Jalamutha of Bhagawanpore thana and Palpar of Patashpur thana?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, are intended to be taken by the Government to relieve the distress of the people?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) Yes; damages caused by floods have been reported in thanas Bhagawanpore, Patashpur, Ramnagar and Egra.

(*b*) In anticipation of the vote of the Council a lakh of rupees has already been sanctioned as loans for the purchase of seed. The Agriculture Department have been asked to arrange for the supply of seedlings also.

Land in the possession of the Kutchery mosque in the subdivisional town of Kurigram.

61. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that a slice of land in the possession of the Kutchery mosque in the subdivisional town of Kurigram is now being claimed by Government as belonging to the Kurigram Sub-Jail?

(*b*) Was the Kurigram Sub-Jail ever in possession of the land in question? If so, for how long and in what manner and by what right?

(*c*) When did the Kurigram Kutchery mosque come into existence upon the said land and how?

(*d*) Is the Hon'ble Member aware that the land in question is only a triangular strip of land covering an area not exceeding four square yards at one of the corners of the rectangular outer-walls of the mosque?

(*e*) Will the Hon'ble Member be pleased to state what useful purpose will be served by the land to the Government?

(*f*) Has the Hon'ble Member got any indication from any quarters that the resumption of the land will wound the religious susceptibilities of the Mussalman public of Kurigram and may, for the matter of that, do so to the other Moslem subjects of His Majesty the King-Emperor of India?

(*g*) Have the Government been approached for an unconditional gift of the land in favour of the Kurigram Kutchery mosque provided the Kurigram mosque committee acknowledge the Government's right to it irrespective of any right or title which they may have in respect of the same?

(*h*) If not, are the Government prepared to make such a gift?

(*i*) Are the Government carrying on any negotiation with the mosque committee concerned? If so, to what effect and with what result?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) to (*i*) It has been reported to Government that the mosque has encroached on Government land. Government propose to make a gift of the land to the mosque authorities subject to the usual conditions laid down in the Government Estates Manual, and are not at present prepared to publish any further information on the subject.

Erosion of Sirajganj town by the Jumna.

62. Khan Sahib Maulvi MUAZZAM ALI KHAN: (*a*) Is the Hon'ble Minister in charge of the Department of Public Works aware that serious damage is being done to the Sirajganj town by the rapid erosion of the Jumna?

(*b*) Is the Hon'ble Minister aware that if early steps be not taken to check its fury, many Government buildings and buildings of important public institutions will be destroyed?

(*c*) If so, what immediate steps, if any, do the Government intend to take in the matter?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. Byomkes Chakravarti): (*a*) and (*b*) The answer is in the affirmative.

(*c*) Government are unable to take effective steps to arrest the erosion, which is so considerable that any action taken would be of no avail, and would entail the waste of a large sum of money.

Maulvi ABUL KASEM: Will the Hon'ble Minister be pleased to state how it is that the Registrar to Co-operative Societies finds no dishonesty when money is defalcated?

Mr. PRESIDENT: I disallow this question.

Allegations against Babu Pankaj Behari Das, Sub-Deputy Magistrate and Collector of Pabna.

63. Khan Sahib Maulvi MUAZZAM ALI KHAN: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that some defalcations of public money were made by Babu Pankaj Behari Das, Sub-Deputy Magistrate and Collector of Pabna, while on deputation as Liquidator and Inspector of Co-operative Societies at Pabna between the period from 1923 to 1925?

(*b*) If so, what were the various charges against him?

(*c*) What was the amount defalcated?

(*d*) What steps, if any, were taken by the Government against the officer?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) Serious allegations to this effect were made against Babu Pankaj Bihari Das, Sub-Deputy Magistrate and Collector of Pabna.

(*b*) The charges against him were misappropriation of funds belonging to various Co-operative Societies, withholding and making false statements in the accounts kept by him as liquidator, gross neglect of rules and orders, and gross neglect in the discharge of his duties as liquidator.

(*c*) The amount involved was Rs. 1,742-13-9.

(*d*) A departmental enquiry was held by the Registrar of Co-operative Societies who found that the charges of dishonesty had not been proved, but that the officer had been guilty of gross neglect of the rules and orders regarding the upkeep of books and accounts in connection with liquidation work, and of gross negligence in the discharge of his duties as liquidator of the Societies. As a result of this finding it has been decided that the pay of the officer shall be reduced from Rs. 300 to Rs. 200 for 2 years when, provided his work has been satisfactory, he will be restored to his present pay of Rs. 300 and will draw the usual increment of pay on the 14th December, 1929.

Nabharan-Satkhira Road.

64. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether the Government have received any petition from the people of Bongong and Satkhira subdivisions of Jessore and Khulna districts, respectively, for improving the condition of the road known as Nabharan-Satkhira Road?

(*b*) Is the Hon'ble Minister aware of the present unsatisfactory condition of the said road?

(*c*) Are the Government willing to take up the work of improvement of the condition of the road in hand?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): (*a*) Yes; a petition on the subject was received by Government and forwarded to the Divisional Commissioner for disposal.

(*b*) Yes, from the said petition.

(*c*) No, as the matter is one that concerns the District Board.

Improvement of Sunti Khal in the 24-Parganas.

65. Mr. A. F. M. ABDUR RAHMAN: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what is the present stage of the project for the improvement of Sunti Khal in the district of the 24-Parganas?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): An estimate has been called for from the local officers.

Number of Mussalman Inspectors of Police.

66. Maulvi SHAMSUR RAHMAN: Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) the number of Inspectors of Police in the province of Bengal; and

(*ii*) how many of them are Mussalmans?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. A. H. Moberly): (*i*) 321.

(*ii*) 36.

Union boards in Jalpaiguri.

67. Mr. PROSANNA DEB RAIKAT: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state how many union boards have been formed up till now in the district of Jalpaiguri?

(*b*) How many more are likely to be formed in the near future? If so, where?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) None.

(*b*) In the absence of any proposals from the Commissioner Government are unable to answer this question. The Commissioner is being addressed on the subject.

Delay in publication of the names of elected and appointed members of various local boards in the district of the 24-Parganas.

68. Dr. BIDHAN CHANDRA ROY: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether elections for returning members to various local boards in the district of the 24-Parganas were held in December, 1925;

(*ii*) whether the notification publishing the names of elected and appointed members appeared six months after, *i.e.*, on the 8th July, 1926; and

(*iii*) if so, what were the reasons for the delay?

(*b*) Will the Hon'ble Minister be pleased to state the exact period for which the present members of the 24-Parganas district board are continuing in office?

(*c*) Will the Hon'ble Minister be pleased to state what steps so far have been taken by the Government to give effect to the provisions of Rules 61 and 62 of the election rules under the Local Self-Government Act?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) (*i*) Yes.

(*ii*) Yes.

(*iii*) Before the District Magistrate could submit his proposals he had to consult the Subdivisional Officers and the Chairman of the

District Board. He sent up his nominations to the Divisional Commissioner on 25th February, 1926. The Commissioner in his turn had to make further enquiries on certain points and could not refer his proposals to Government until 21st April, 1926. Certain information was lacking which Government had to call for and which was not supplied until 17th June, 1926.

(*b*) Almost exactly five years.

(*c*) The election rules have been amplified and amended with a view to prevent delay in future.

Silting up of the Mohanganj river.

69. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the attention of the Government has been drawn to the fact that the northern portion of Bakarganj has been cut off from the rest of the district owing to the silting up of the Mohanganj river?

(*b*) Is the Hon'ble Member aware that the paucity of water in the said river has been a cause for anxiety amongst the inhabitants of the district?

(*c*) Are the Government considering the desirability of taking early steps to dredge the bed of the said river?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Government are aware that the Mohanganj river has silted up to some extent, but the consequences are not serious as alternative routes exist which are navigable by boats at all times of the year.

(*b*) Some of the local people may be inconvenienced, but the inhabitants of the district as a whole are not affected.

(*c*) There are many much more important schemes in hand.

Starred Questions

(to which oral answers were given).

Application for an embankment on the western bank of the Bhoel route between Jalirpar and Satpar.

***85. Babu SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether an application has been submitted to him by several people

of the *Bheel* area of the Gopalganj subdivision in the district of Faridpur for taking steps for the construction of an embankment on the western bank of the *Bheel* route between Jalirpar and Satpar?

(*b*) If so, what action, if any, has been or is being taken on the said application?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) The petition is under consideration.

Breach in the bank of the river Madhumati near Tarail.

*66. **Babu SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether for the last few years the bank of the river Madhumati near Tarail in the subdivision of Gopalganj within the district of Faridpur has given way and that a big breach has been caused thereby?

(*b*) Is it a fact that as a consequence of the aforesaid breach abnormally large volumes of water rush into the interior and crops of an area measuring about fifteen miles in length and three miles in breadth are destroyed every year?

(*c*) Is it a fact that the local people have applied to the Government for a grant for the construction of a *bundh* over the said breach?

(*d*) Is it a fact that the local people have been trying to construct the *bundh* themselves, but owing to their poverty they cannot successfully do the same?

(*e*) Is it a fact that the Executive Engineer of the Khulna Division has inspected the site and realised the necessity of constructing a *bundh* over the said breach?

(*f*) What steps do the Government intend to take in the matter?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) Yes, but the area affected is much less than 45 square miles.

(*c*) Yes.

(*d*) Yes.

(*e*) Yes.

(*f*) A grant to strengthen and complete the *bundh* erected by the people is under consideration.

Mr. D. N. ROY: Will the Hon'ble Member be pleased to state if we may except to know the result of this consideration in the near future?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Yes.

Legislation to enable the district boards to levy taxes and exercise control over motor vehicles.

***67. Babu JATINDRA NATH CHAKRABURTTY:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether the Government are considering the desirability of undertaking legislation to enable the district boards to levy taxes and exercise control over motor vehicles which regularly use their roads?

(*b*) If so, when such legislation will be taken up?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) and (*b*) The member is referred to the answer given to unstarred question No. 30 asked by Maharaj Kumar Sris Chandra Nandy; that answer may be taken as applying to district boards as well as to municipalities.

Nominated members of the Hooghly District Board.

***68. Srijut TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing for the years 1924-25, 1925-26 and 1926-27—

(*i*) how many general monthly meetings were held of the Hooghly District Board;

(*ii*) how many meetings were attended by the Civil Surgeon, Hooghly; and

(*iii*) how many meetings were attended by the District Inspector of Schools, Hooghly?

(*b*) Is it a fact that this year the District Inspector of Schools, Hooghly, has not been nominated as a member of the Hooghly District Board? If not, why not?

(*c*) Has the District Board of Hooghly got a District Health Officer?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state why the Civil Surgeon has been renominated a member of the Hooghly District Board?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (a) (*i*) Total number of meetings held by the Hooghly District Board in 1924-25, 13; in 1925-26, 11; in 1926-27, figures are not available.

(*ii*) and (*iii*) Government have no information.

(*b*) Yes. It was not thought necessary to appoint the District Inspector of Schools a member of the district board itself as he is an ex-officio member of the Education Committee of the Board.

(*c*) Yes.

(*d*) Because the Civil Surgeon is the Superintendent of all hospitals and dispensaries within his district, and his advice and guidance are very useful to district boards in matters relating to these institutions.

Srijut TARAKNATH MUKERJEA: Is the Hon'ble Minister aware that not a single meeting of the Hooghly District Board was attended by the Civil Surgeon during the last three years?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I am not aware of that.

Srijut TARAKNATH MUKERJEA: If this be a fact, will the Hon'ble Minister be pleased to request the Civil Surgeon to attend these meetings regularly?

Mr. PRESIDENT: That is not a question; it is a request for action.

Election of the Union Board of Krishnapur.

*69. **Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether he is aware of any illegality or irregularity during the last election of the Union Board of Krishnapur, police-station Sadarpur, district Faridpur?

(*b*) If so, will the Hon'ble Minister be pleased to state what it was?

(*c*) Is it a fact that the nomination papers of certain candidates were missing, and out of 15 nominations only 7 names were published?

(*d*) If so, will the Hon'ble Minister be pleased to state—

(*i*) how those nomination papers were lost;

(*ii*) whether any enquiry has been made regarding the matter; and

(*iii*) what is the result of the enquiry?

(*e*) Is it a fact that dates of nomination and voting were not notified to the candidates?

(*f*) Is it a fact that the presiding officer did not allow nearly 400 voters to record their votes, although they were present in the enclosure before the closing time?

(*g*) What was the name of the polling centres of the Krishnapur Union Board in the last election?

(*h*) Is it a fact that the polling centre was changed to Souldubi from Krishnapur, if so, why?

(*i*) Will the Hon'ble Minister be pleased to state whether there were any enclosures specially made for the accommodation of voters?

(*j*) If not, where were the voters made to wait?

(*k*) What is the size of the room where the voters who were waiting to record their votes were accommodated after the closing time?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) No.

(*b*) Does not arise.

(*c*) No nomination papers were missing. There were 19 applications, 15 of them were approved and the remaining 4 were rejected.

(*d*) (*i*) to (*iii*) Do not arise.

(*e*) Under rule 8 of the election rules notices calling for names of candidates were issued by circle officers and were published within the villages concerned. The date fixed for the poll was duly notified.

(*f*) No. Only the voters who came after the second hour were refused admission.

(*g*) Souldubi Madrasah building.

(*h*) No.

(*i*) and (*j*) A bamboo enclosure was specially constructed, but it was not considered strong enough to withstand a possible rush of late arrivals. Accordingly in good time before the second hour the Madrasah building was declared to be the outer enclosure and the voters were accommodated there.

(*k*) About 41 feet by 11 feet.

King George's Dock.

***70. Babu NALINIRANJAN BARKER:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) the estimated total cost of the construction of King George's Dock;

(*ii*) the estimated and actual costs of the works completed so far and the reason for discrepancies, if any; and

(*iii*) the estimated cost of work or works remaining unfinished?

(*b*) Will the Hon'ble Member be pleased to state whether any complete estimate exists?

(*c*) If so, how far has it been modified from time to time and for what reasons?

(*d*) What is the present income, if any, from the King George's Dock?

(*e*) What is the estimated income from the King George's Dock when completed?

(*f*) What is the amount of the loan raised and rate of interest per annum existing at present?

(*g*) What is the ultimate amount of loan and the rate of interest?

(*h*) In how many years is the loan to be wiped off after completion of the works?

(*i*) What is the annual rate of sinking fund apart from the interest rate?

(*j*) Is any interest being paid out of capital during the construction?

(*k*) If so, what is the rate?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir James Donald): (*a*) to (*k*) Government do not possess all the information asked for; it is suggested that the hon'ble member who is himself a member of the Port Commission should obtain the information he requires from the Commission itself.

Détenu Sudhansu Kumar Adhikari.

*71. **Dr. J. M. DAS GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that détenu Srijut Sudhansu Kumar Adhikari has been interned at Dupchanchia in the Bogra district?

(*b*) Is it a fact that Dupchanchia is an unhealthy place and abounds in poisonous snakes?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*a*) He was domiciled in village Dhap Sukhangari in police-station Dupchanchia for about three months.

(*b*) Dupchanchia is not unhealthy and as far as Government are aware poisonous snakes are not more common there than in other parts of Bengal.

Dr. J. M. DAS GUPTA: Is the Hon'ble Member aware that Dupchanchia is a place on the bank of the river Karotia which is the worst place for malaria and kala-azar in Bengal?

The Hon'ble Mr. A. N. MOBERLY: I am not aware of the fact.

Dr. J. M. DAS GUPTA: Is the Hon'ble Member aware that Dupchanchia is in the district of Bogra and is the worst place for kala-azar and malaria?

The Hon'ble Mr. A. N. MOBERLY: Dupchanchia is not unhealthy. I have already said so.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state why Dupchanchia of all places under the sun, was selected for his internment?

The Hon'ble Mr. A. N. MOBERLY: The same question might be asked about any place.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state whether he is still at Dupchanchia?

The Hon'ble Mr. A. N. MOBERLY: No.

Dr. J. M. DAS GUPTA: Will the Hon'ble Member be pleased to state whether Dupchanchia was one of the two places that suffered worst during the last flood?

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice.

Dr. J. M. DAS GUPTA: Will the Hon'ble Member be pleased to state whether even then it was known to be one of the worst places for kala-azar and malaria in the District of Bogra?

The Hon'ble Mr. A. N. MOBERLY: I must ask for notice of this also.

Industrial Engineer.

*72. **Mr. JOGESH CHANDRA GUPTA:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*a*) when was the first Industrial Engineer appointed and on what salary;

(*b*) how long he was in office;

(*c*) what practical results, if any, he achieved during his term of office;

(*d*) when was the present Industrial Engineer appointed and on what salary;

(*e*) what practical results, if any, has he achieved since his appointment;

(*f*) whether there is any workshop or any provision for carrying out experiments in order to devise labour-saving appliances for developing cottage industries; and

(*g*) if not, are the Government considering the desirability of making any provision for such research work?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) The first Industrial Engineer Mr. C. W. Budd, A.M.I.Mech.E., was appointed on the 15th May, 1922, on Rs. 1,000 *plus* conveyance allowance of Rs. 100 per mensem.

(*b*) Mr. Budd held the office from 15th May, 1922, to 11th August, 1923.

(*c*) The principal items of work achieved during his term of office are reviewed in paragraphs 45, 51, 52, 53, 58, 67, 77, 79, 80 and 81 of the Annual Report of the Department for the year 1922.

(*d*) The present Industrial Engineer Mr. S. C. Mitter, B.Sc. (Eng.), London, was appointed on the 9th October, 1925, on Rs. 600 rising to Rs. 1,000 *plus* conveyance allowance of Rs. 100 per mensem.

(*e*) The practical results achieved by the present Industrial Engineer are reviewed in Chapter IV of the Annual Administration Report for the year 1926.

(*f*) The Department has an Industrial Research Laboratory equipped with power-driven shafting in which experiments leading to the development of cottage industries can be undertaken.

(*g*) The question does not arise.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what are the works referred to in these paragraphs, as no member is expected to carry in his brain all that is mentioned in an annual report; I mean the nature of the improvements?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I can only recommend the hon'ble member to peruse the report.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether the contents of those paragraphs are the same as is referred to about the Industrial Department work, I mean, forwarding letters, receiving letters and so on, or is it any substantial work?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I would again refer him to the report.

Development of Industries.

*73. **Mr. JOGESH CHANDRA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether the Department has got any staff other than the Industrial Engineer to institute technical enquiries for the development of industries?

(*b*) If so, how many men are so engaged on such staff?

(*c*) What action, if any, is being taken to make local enquiries into the actual difficulties of the cottage workers and to help them in solving the difficulties and to suggest improvements?

(*d*) What action, if any, is being taken by the Department to help the cottage workers in marketing their goods advantageously?

(*e*) Has the Department decided upon any policy or line of action for the development of industries in this province?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) and (*b*) In addition to the Industrial Engineer all the superior staff of the Industries Department, including the Director of Industries, Deputy Director of Industries, Inspector of Technical and Industrial Institutions, Industrial Chemist, Principal, Serampore Weaving Institute, and Superintendent, Bengal Tanning Institute, institute technical enquiries for the development of industries, so far as these lie within the sphere of their activities.

(*c*), (*d*) and (*e*) The member is referred to Annual Reports of the Industries Department and Government resolutions thereon.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether in the report of any year on the administration of the Industries Department there are any schemes specially for giving facilities for marketing the produce of the cotton workers?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I cannot say offhand; I must ask for notice.

Formation of union boards in Murshidabad.

*74. **Khan Bahadur Maulvi EKRAMUL HUQ:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state how many union committees are working in each of the four subdivisions of the Murshidabad district?

(*b*) Has any union board been started in any of the said subdivisions?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state how many union boards will be started in each of the subdivisions and when?

(*d*) Will the Hon'ble Minister be pleased to state how many circle officers have been appointed for the Murshidabad district, stating the nationality of each of the circle officers?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) Sadar subdivision, 8; Kandi subdivision, 9; Jangipur subdivision, 7; Lalbagh subdivision, 3.

(*b*) No.

(*c*) It cannot yet be said how many union boards will be started in each subdivision as the areas of the unions are under revision, nor can it be definitely stated when union boards will be established as formal proposals have not been received yet. Proposals are expected shortly.

(*d*) Number of circle officers, 3; nationality of circle officers, Bengalis.

Khan Bahadur Maulvi EKRAMUL HUQ: With reference to answer (*d*) will the Hon'ble Minister be pleased to state the creed of the officers?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: Hindus.

Khan Bahadur Maulvi EKRAMUL HUQ: Will the Hon'ble Minister be pleased to state if it is a fact that Muhammadans predominate in the district?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I must ask for notice of this.

Cow-sacrifice in Calcutta during the last "Bakr-Id."

***75. Maulvi ABDUL KARIM:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state if it is not the policy of the Government not to interfere with the observance by any community or individuals of their religious rites and duties?

(*b*) Is the Hon'ble Member aware that the Mussalmans sacrifice cows during the *Bakr-Id* in accordance with the injunctions of their religion and such sacrifices are made mostly in private houses and lands and in the premises of mosques?

(*c*) Is it a fact that the Commissioner of Police, Calcutta, and the District Magistrate of the 24-Parganas prohibited sacrifice of cows being made during the last *Bakr-Id* in the premises of certain mosques?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes, provided that the performance of such religious observances does not interfere with the rights of others or is not likely to provoke a breach of the peace.

(*b*) Yes.

(*c*) Yes.

Professor of Physiology in the Calcutta Medical School.

*76. **Srijut TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether it is a fact that Lieut.-Colonel MacGilchrist retired from Government service in May last, and

(*ii*) whether it is a fact that with his retirement the post of the Professor of Physiology in the Calcutta Medical College fell vacant?

(*b*) Was the post advertised for new appointment? If not, why not?

(*c*) Is this post reserved for an I.M.S. officer?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) (*i*) and (*ii*) Yes.

(*b*) No, because it is proposed that if the Government of India consent to the re-employment of Lieut.-Colonel MacGilchrist he should continue to hold the post until he has completed the usual five years' term of office dating from his original appointment.

(*c*) No.

Dr. PRAMATHANATH BANERJEA: Will the Hon'ble Minister be pleased to state what course he proposes to take if the Government of India will not give their consent to the re-employment of Lt.-Col. MacGilchrist?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I will wait until that day arrives.

Mr. KIRAN SANKAR ROY: With reference to answer (*c*), will the Hon'ble Minister be pleased to state if the post is reserved only for retired members of the Indian Medical Service?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: The answer is in the negative.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Minister be pleased to state if it is the practice to employ retired members of the Indian Medical Service to all posts that become vacant?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: No, it is not the usual practice.

Superintendent, River Police, Narayanganj.

*77. **Mr. J. E. ORDISH:** (*a*) Is the Hon'ble Member in charge of the Appointment Department aware that the officer holding the appointment of Superintendent, River Police, stationed at Narayanganj, has had nine changes since December, 1923?

(*b*) Will the Hon'ble Member be pleased to state the reasons for these changes?

(*c*) Are the Government considering the desirability of making arrangements with less frequent changes?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) The changes were made in the interests of the public service and were unavoidable.

(*c*) Yes.

Increase of fees in the Calcutta Medical College.

*78. **Khan Sahib ABDUS SATTAR:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that fees in the Medical College, Calcutta, have been increased?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for the increase?

(*c*) Are the Government contemplating affording some relief to the Moslem students from the Mohsin or any other fund?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) An increased scale of fees, to apply to new entrants only, was introduced with effect from the beginning of the 1926 session.

(*b*) The increase was due to the increase in the cost of maintaining the Medical College and to the fact that fees were being realized at a higher rate in the Carmichael Medical College.

(*c*) Government have no such proposal under consideration at present.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state if the increased scale of fees was adopted on the recommendation of Lt.-Col. Barnardo?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I must ask for notice of this question.

Mr. S. C. BOSE: Will the Hon'ble Minister be pleased to state if the cost of maintaining the Medical College has increased since Lt.-Col. Barnardo was appointed Principal?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I ask notice of this too.

Dr. PRAMATHANATH BANERJEA: Will the Hon'ble Minister be pleased to state if the scale of fees levied at the Carmichael Medical College was higher than that levied at the Calcutta Medical College before the introduction of the new scheme?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I must refer the member again to the answer already given.

Alleged export of fodder from Birbhum and Murshidabad.

*79. **Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:** (*a*) Is the Hon'ble Minister in charge of the Department of Agriculture and Industries aware that large quantity of fodder is being sent to Calcutta from the Murshidabad and Birbhum districts?

(*b*) Is the Hon'ble Minister also aware that this export has caused a scarcity and high price of fodder in the districts of Birbhum and Murshidabad?

(*c*) If so, what steps, if any, do the Government propose to take in the matter?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) and (*b*) Government have no information on the subject.

(*c*) Inquiries will be made from the local officers.

Bengal Tenancy (Amendment) Bill.

*80. **Maulvi TAMIZUDDIN KHAN:** With reference to the reply given to starred question No. 1 on the 21st February, 1927, will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) whether the committee appointed for examining the Bengal Tenancy (Amendment) Bill, 1926, have finished their labours; and

(*ii*) whether the Government intends to introduce the Bill in the course of the current year? If not, why not?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*i*) Yes.

(*ii*) Government hope to be able to introduce the Bill as soon as the recommendations of the Committee have been examined and the necessary sanction of the Governor-General obtained.

Khas Mahal lands in Bakarganj.

*81. **Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a statement showing for the year 1922-1926 the total quantity of khas mahal lands in the district of Bakarganj leased out separately to the

(*i*) Muhammadans;

(*ii*) Hindus;

(*iii*) officials;

(*iv*) non-officials;

(*v*) agriculturists; and

(*vi*) non-agriculturists?

(*b*) Was any khas mahal land leased out in those years to unemployed educated young men of the middle class?

(*c*) If so, how much was so leased out?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) A statement laid on the table.

(*b*) Yes.

(*c*) 478·05 acres.

Statement referred to in the reply to clause (a) of starred question No. 81, showing for the years 1922-26 the total quantity of khas mahal lands in the district of Bakarganj leased out separately to the—

(*i*) Muhammadans	...	18,283·85 acres.
(*ii*) Hindus	...	4,783·39 acres.
(*iii*) Officials	...	530·76 acres.
(*iv*) Non-officials	...	23,007·88 acres.
(*v*) Agriculturists	...	21,452·61 acres.
(*vi*) Non-agriculturists	...	2,086·03 acres.

Silting up of Chandana and Upper Kumar rivers in Faridpur.

***82. Babu SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the Chandana and Upper Kumar rivers in the Faridpur district are being silted up?

(*b*) Have the Government made any enquiry to find out the cause of this silting?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what are the causes?

(*d*) What remedies, if any, have been suggested as a result of the enquiry?

(*e*) What actions, if any, have been taken or are proposed to be taken in the matter?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) Enquiry is being made.

(*c*) No report has yet been received from the local officers.

(*d*) This does not arise.

(*e*) This does not arise.

Fishing contrivances in navigable rivers in the Nadia Rivers Division.

***83. Rai JADUNATH MAZUMDAR Bahadur:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the fixing of *pelas* and *kumars* (fishing contrivances)

navigable rivers in the Nadia Rivers Division was considered an obstruction for navigation and as such declared illegal by the District Magistrate of Nadia?

(*b*) Is the Hon'ble Member aware that such fishing contrivances are still being freely fixed in the Nadia Rivers?

(*c*) If so, what steps, if any, do the Government intend to take in the matter?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) The fishery contrivances referred to have been treated as obstructions to a navigable river in the Churni, Mathabhanga and Bhagirathi rivers and more than twenty prosecutions have been instituted. In the case of the Jalangi river it has been suggested to the Chief Engineer that in order to avoid too much interference with fishermen such contrivances should be allowed so long as they do not protrude more than ten feet from the bank.

(*b*) and (*c*) Future policy is still under consideration but Government, as far as possibl must avoid depriving the fishermen of their means of livelihood.

Malaria in the villages lying on the banks of the silted-up bed of the Maraganga.

***84. Mr. S. C. BOSE:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether any inquiries have been made by the Government up till now into the facts stated in the memorials of the inhabitants of some villages under the Rajpur and Baruipur municipalities dated—March, 1906, and the 26th July, 1911, to the Lieutenant-Governor of Bengal and also to the petition submitted by the said inhabitants to the District Magistrate dated the 30th March, 1919?

(*b*) Will the Hon'ble Member be pleased to state whether any inquiries have been made up till now to ascertain the causes of prevalence of malaria in the villages lying on the banks of the silted-up bed of the *Maraganga*?

(*c*) If so, what was the result of the said inquiries?

(*d*) Are the Government proposing to take any action on the said memorials and the said petition regarding the re-excavation of the Maraganga? If so, when?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) to (*e*) A committee was appointed in 1906 to enquire into the causes of the prevalence of malarial fever in Bengal and the possibility of undertaking remedial measures. Special attention was paid to the Presidency Division, and the case of the dried-up river known as the Maraganga was brought to their attention in a note of the Irrigation Department. The committee did not, however, find that malaria was more generally prevalent in the immediate vicinity of this river than in other parts of the 24-Parganas and they made no special recommendation in connection with it. Estimates to flush and drain the Maraganga were prepared in 1911, 1917, 1921 and 1923 at costs varying from Rs. 13,000 to Rs. 1,37,000, but all had to be discarded for various reasons. A revised scheme costing Rs. 13,000 has recently been approved and sent to the Superintending Engineer for transmission to the Collector, who will take action under the Bengal Agricultural and Sanitary Improvement Act, 1920.

Hunger-strike in jails.

***85. Babu PRABHU DOYAL HIMATSINGKA:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that there is a Government circular to the effect that when political prisoners resort to hunger-strike, they should be fed forcibly?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The Government circular on the subject of hunger-strike in jails applies to all prisoners alike. It is confidential, and Government are not prepared to publish its contents.

Number of détenus in jail.

***86. Babu NALINIRANJAN SARKER:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing:—

(*i*) the total number of détenus in jail under Bengal Regulation III of 1818 and the Bengal Criminal Law Amendment Act, 1925, on the 15th August, 1927;

(*ii*) the total number of détenus in restraint outside jail on the 15th August, 1927;

(*iii*) the total number interned at home on that date;

(*iv*) the total number unconditionally released since the 1st April, 1927;

(*v*) the total number confined in Bengal jails on August 15th, 1927;

(*vi*) the total number confined in jails outside Bengal on August 15th, 1927;

(*vii*) the total number interned outside jail in Bengal on August 15th, 1927;

(*viii*) the total number, if any, interned outside Bengal on August 15th, 1927;

(*ix*) the names of provinces in which Bengal détenus are confined;

(*x*) the names of jails outside Bengal in which Bengal détenus are confined; and

(*xi*) the names of détenus who have been transferred to other provinces?

The Hon'ble Mr. A. N. MOBERLY: (*i*) to (*ix*) A statement is laid on the table.

(*x*) and (*xi*) Government are not prepared to publish this information.

Statement referred to in the reply to clauses (i) to (ix) of starred question No. 86 showing number of détenus under the Bengal Criminal Law Amendment Act, 1925, and under Regulation III, and their distribution in and outside Bengal on the 15th August, 1927.

1.	In jail	... 42
2.	In restraint outside jail (including those externed from Bengal)	... 92
3.	Interned at their homes	... 15
4.	Released unconditionally since the 1st April 1927	... 2
5.	Confined in Bengal jails	... 13
6.	Confined in jails outside Bengal	... 29
7.	Interned outside jails in Bengal	... 88
8.	Interned outside Bengal	... Nil.
9.	Names of provinces in which they are confined	... Bengal, Burma, Bombay, Bihar and Orissa, Central Provinces, Madras, Punjab and United Provinces.

Unstarred Questions

(answers to which were laid on the table).

Accommodation of détenus in jails.

70. Mr. SUBHAS CHANDRA BOSE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the present policy of the Bengal Government is to confine two or three détenus in each jail?

(*b*) When was this new policy adopted in practice?

(*c*) Whether it is a fact that the former policy was to concentrate more détenus in fewer jails?

(*d*) What is the object of the new policy?

(*e*) Whether it is a fact that according to the new policy détenus are in most cases accommodated in cells?

(*f*) Is it a fact that under the new scheme it has become impossible for the détenus to play games, both indoor and outdoor?

(*g*) Whether it is a fact that, owing to the new conditions, the health of most détenus has greatly deteriorated?

(*h*) What sort of physical exercise are the above détenus allowed to have for the sake of their health?

(*i*) Is the Hon'ble Member aware that owing to the sort of segregation stated above, it has become impossible for the détenus to perform religious ceremonies inside jails?

(*j*) Whether the Government contemplate revising this policy of segregation at an early date?

(*k*) Whether they are allowed to write more letters than those living in Bengal Jails?

The Hon'ble Mr. A. N. MOBERLY: (*a*) to (*k*) Government are not prepared to publish this information.

Dr. J. M. DAS GUPTA: Is the Hon'ble Member aware that the reticence of the Government in giving information particularly regarding the health of détenus is putting the Government in a most sinister light before the people of this country?

The Hon'ble Mr. A. N. MOBERLY: No.

Political prisoners in connection with Alipore Jail Murder Case.

71. Mr. SUBHAS CHANDRA BOSE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that several political prisoners convicted in connection with the Alipore Jail Murder have been transported to Burma?

(*b*) If so, what are their names and the jails in which they have been confined?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Three have been transferred to Burma.

(*b*) Government are not prepared to publish this information.

Proscription of the novel "Pather Dabi."

72. Mr. SUBHAS CHANDRA BOSE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state why the novel "Pather Dabi" of Sj. Sarat Chandra Chatterji has been proscribed?

(*b*) Are the Government prepared to withdraw the order?

(*c*) If the answer to (*b*) is in the negative, are the Government prepared to refer the book for opinion to a Board of Litterateurs of international fame?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Because it appeared to Government to contain seditious matter.

(*b*) No.

(*c*) No.

Officiating Workshop Foreman to the Manufacturing Department of Dacca Central Jail.

73. Babu KHAGENDRA NATH CANGULY: (a) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether in the Manufactory Department of Dacca Central Jail, a junior Task Taker has been appointed to act as Workshop Foreman of that Jail?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what was the pay of his former post; and

(*ii*) what is the pay including house rent of the present appointment?

(c) Is it a fact that this appointment has created much heartburning and discontentment against the officers serving in the Jail Department including Factory Overseers and senior Task Takers?

(d) Will the Hon'ble Member be pleased to state whether the aforesaid appointment was duly advertised? If not, why not?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (a) Yes.

(b) (i) Rs. 51 as Task Taker.

(ii) Rs. 200 as foreman.

(c) No.

(d) The vacancy was a temporary one and was therefore not advertised.

Supersession of some Assistant Jailors.

74. Babu KHAGENDRA NATH GANGULY: (a) Is the Hon'ble Member in charge of the Political (Jails) Department aware of the discontent amongst the officers of the Bengal Jail Department owing to their frequent supersession?

(b) Is it a fact that in the recent selection of three Deputy Jailors from the Department, the claims of some of the senior Assistant Jailors of over ten years' service have been superseded?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (a) No.

(b) Only two such selections have recently been made. Four Assistant Jailors were superseded in making these selections.

(c) The reason was that merit as well as seniority was taken into consideration.

Scout masters.

75. Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether there is any future prospect, so far as promotion is concerned, for those school teachers who work as scout masters in addition to their normal teaching work?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: Promotion depends on efficiency and seniority, and if any teacher in any particular field of work shows special efficiency, this is taken into consideration at the time of promotion.

Income of, and augmentation grant to, Rangpur District Board.

76. Maulvi KASIRUDDIN AHAMAD: Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing for the last five years what was the total income of, and what were the augmentation grants received by the District Board of Rangpur?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 76.

Year.	Total income of the Rangpur District Board (excluding opening balance).	Amount of the augmentation grant received by the District Board.
	Rs.	Rs.
1921-22	5,91,334	45,226
1922-23 .. .	6,12,075	40,751
1923-24 .. .	5,93,136	45,101
1924-25	5,98,623	47,484
1925-26	6,01,104	43,735

Teachers of Dacca Medical School.

77. Mr. SYED MD. ATIQULLAH: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government (Medical) be pleased to lay on the table a statement showing—

(*i*) the number of teachers in the Dacca Government Medical School at present;

(*ii*) the number of Muhammadans amongst the teachers;

(*iii*) the names of those teachers who are to retire in the course of the next three years with the actual date of retirement; and

(*iv*) the names of those (if any) who have been granted extension of service, with the date up to which extension has been granted?

(*b*) Will the Hon'ble Minister be pleased to state whether the extension of the service of any teacher is at present under the consideration of the Government?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT [MEDICAL] (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi: (*a*) (*i*) 8.

(*ii*) None.

(*iii*) No teachers will be due to retire under the age-limit within the next three years.

(*iv*) No teacher is on extension of service beyond the age of 55.

(*b*) No.

Nomination of Members to local bodies.

78. Babu SASI SEKHAR BASU: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether Mr. O'Malley's demi-official Circular No. 3416, dated the 29th July, 1921, has been superseded or otherwise modified by any other circular regarding the nominations of members to district, local and union boards?

(*b*) If so, will the Hon'ble Minister be pleased to lay on the table a copy of the latter circular?

(*c*) Is the Hon'ble Minister aware that the Chairman, District Board, 24-Parganas; was not consulted in case of nominations to union boards?

(*d*) Is it a fact that none of his recommendations in case of the five local board nominations was accepted?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) No.

(*b*) Does not arise.

(*c*) Government have no information. These appointments are made by the District Magistrate.

(*d*) The Chairman has stated that none of the members appointed by the Commissioner had been recommended for appointment by him.

Babu MANMATHA NATH ROY: Will the Hon'ble Minister be pleased to state whether, in making nominations to local bodies, it is the practice for the Government to be satisfied in all cases that the O'Malley Circular has been complied with?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: The answer is in the affirmative.

Pay and prospects of Veterinary Assistants.

78. Rai HARENDRANATH CHAUDHURI: (*a*) With reference to the reply given on the 31st August, 1921, to unstarred question No. 178 to the reply given on the 21st November, 1921, to unstarred question No. 61, to the reply given on the 3rd July, 1922, to starred question No. XXVIII, to the reply given on the 21st November, 1922, to unstarred question No. 67 and with reference to reply given on the 29th January, 1923, to unstarred question No. 250 and to the reply given on the 9th December, 1925, to starred question No. LXXVII, will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state what decision has been arrived at with regard to the further revision of pay and prospects of the Veterinary Assistants?

(*b*) If no decision has been reached as yet will the Hon'ble Minister be pleased to state when the alleged consideration will be finished and a decision will be reached in this matter?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) and (*b*) The member is referred to the reply given to unstarred question No. 19 (*a*) and (*c*) asked by Srijut Jogendra Nath Moitra in this Session.

Sale of produce of Calcutta Research Tannery.

80. Mr. C. C. COOPER: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the average prices obtained by the Bengal Tannery Institution (Calcutta Research Tannery) for its produce during 1926; and

(*ii*) the fair average price ruling in the open market for produce of similar qualities or grades?

(*b*) If the information asked for in (*a*) is not now available, are the Government considering the desirability of taking immediate steps to obtain it?

(*c*) Will the Hon'ble Minister be pleased to state whether the Institution experiences difficulty in obtaining a fair market price for its produce in the open market?

(*d*) If the answer to (*c*) is in the affirmative will the Hon'ble Minister be pleased to state—

(*i*) the reasons for the same; and

(*ii*) what action, if any, are the Government proposing to take in the matter?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) (*i*) and (*ii*). A statement is laid on the table.

(*b*) The question does not arise.

(*c*) Yes. Difficulty is experienced in getting a fair price, especially for those new varieties of leathers for which there is no general demand at present.

(*d*) (*i*) (1) It is the practice in the local leather trade to sell leathers on long credit. The system cannot be followed in disposing of the Bengal Tanning Institute products.

(2) As the products of Bengal Tanning Institute are necessarily results of investigations and experiments, leathers of standard qualities in *commercial quantities* cannot be offered to the market.

(3) Most of the commercial tanneries generally sell their output through their appointed selling agents. Bengal Tanning Institute cannot follow this system.

(4) The Institute being far away from the town is at an inconvenient place for buyers to come for their purchases.

(5) Accumulated stocks have to be disposed of by public auctions and it is the experience that a fair price cannot always be obtained by such auction sales.

(*ii*) A proposal for the opening of a sale depôt in the town is under consideration.

Statement referred to in answer to unstarred question No. 89(a).

(*i*) Average prices obtained by the Bengal Tanning Institute (Calcutta Research Tannery) for its produce during 1926.

Box sides (black).

1st class.	2nd class.	3rd class.	Rejection.
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
0 9 9 per sq. ft.	0 6 7½ per sq. ft.	0 4 9½ per sq. ft.	0 3 9 per sq. ft.

Box sides (brown).

1st class.	2nd class.	3rd class.
Rs. a. p.	Rs. a. p.	Rs. a. p.
0 11 8½ per sq. ft.	0 8 6 per sq. ft.	0 6 9 per sq. ft.

Bark tanned cow.

Good quality.	Rejections.
Rs. a. p.	Rs. a. p.
8 3 1 per piece.	29 8 0 per maund.

Calf skin.

1st class.	2nd class.	Rejections.
Rs. a. p.	Rs. a. p.	Rs. a. p.
0 10 0 per sq. ft.	0 8 0 per sq. ft.	0 2 6 per sq. ft.

Bark tanned buffalo sole.

1st class.	2nd class.	Rejections.
Rs. a. p.	Rs. a. p.	Rs. a. p.
0 12 9 per lb.	0 10 0 per lb.	0 6 0 per lb.

	Rs. a. p.
Bark tanned buffalo bellies	41 9 0 per maund.
Bark tanned buffalo harness	0 13 2 per lb.
Chrome tanned buffalo picking band	1 2 0 per lb.
Glace kid 1st class	0 12 7½ per square feet.
Suede goat and sheep	0 12 0 per square feet.
Red goat skins	4 13 0 per piece.
Sheep, chrome tanned natural colour—good quality	2 0 0 per piece.
Sheep, chrome tanned natural colour—medium quality	1 12 8 per piece.
Sheep, alum tanned	2 8 0 per piece.
Chamois	2 8 0 per piece.
Lizards	1 8 0 per piece.

(*ii*) The ruling prices of those varieties of leather which are commercially made and sold in Calcutta are noted below :—

Box sides (black).

1st quality.	2nd quality.
Rs. a. p.	Rs. a. p.
0 7 6 per sq. ft.	0 6 6 per sq. ft.

Box sides (brown).

1st quality.	2nd quality.
Rs. a. p.	Rs. a. p.
0 9 6 per sq. ft.	0 7 6 per sq. ft.

Bark tanned cow—for suit cases, etc.

About Rs. 7 per piece.

Bark tanned buffalo sole.

Eleven to twelve annas per pound of average quality.

Other varieties of leathers like glace kid, chamois, suede, etc., are not commercially made by the local tanners and hence it is not possible to compare their prices.

Staircase leading to the Court of the Additional District Judge of Howrah.

81. Babu KHAGENDRA NATH GANGULY: With reference to the answer given to my starred question No. LXXXIV on the 1st March, 1926, will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether the plan and estimate for a new staircase leading to the Court of the Additional District Judge of Howrah has been completed;

(*ii*) If so, have the plan and estimate been sanctioned by Government; and

(*iii*) when the new staircase is likely to be completed?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. A. N. Moberly): (*i*) Yes.

(*ii*) The District Judge who is the competent authority has accorded administrative approval to the project.

(*iii*) No definite statement can be made. The project will be considered along with others according to their comparative urgency when allotment of funds is next made.

Agricultural farm at Tangail and Jamalpur.

82. Babu AMARENDRA NATH GHOSE: (*a*) Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state whether he is aware of the fact that there is no Government Agricultural farm at Tangail and Jamalpur?

(*b*) Do the Government contemplate opening such a farm in those subdivisions?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) While there is no Government farm in the full sense of the word at Tangail and Jamalpur, there are—

(*i*) in Tangail Subdivision, one farm at Dhanbari under the charge of the District Agricultural Officer, Jamalpur: and one at Baratia which is under the supervision of the Agriculture Department. A demonstrator is attached to each;

(*ii*) in Jamalpur Subdivision, 80 bighas of farm land are worked on *barga* system under the District Agricultural Officer, Jamalpur.

(*b*) The matter is under consideration.

Nomination to Madaripur Local Board.

85. Maulvi CHAUDHURY GHOLAM MAWLA: (*a*) Is the Hon'ble Minister in charge of the Department of Local Self-Government aware that a Hindu gentleman was nominated as a member of the Madaripur Local Board in the Faridpur district in place of a Mussalman?

(*b*) Is the Hon'ble Minister also aware that representations against this nomination were submitted to Government by the Madaripur Anjuman?

(*c*) Will the Hon'ble Minister be pleased to state the reasons for nominating a Hindu gentleman in place of a Mussalman?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) If the questioner is referring to the last reconstitution of the Local Board in 1926 the answer is in the affirmative.

(*b*) No such representation was received by Government.

(*c*) The reasons which led the Commissioner to make this selection and which induced Government to approve of it were that the Hindu gentleman in question had held the post of Vice-Chairman of the District Board and it was thought that his special experience and acquaintance with the Local Self-Government Act would be useful to the Local Board; this gentleman was recommended by the Chairman of the District Board who is himself a Mussalman.

Road from Siscebare to Jateswar Hât in Jalpaiguri Duars.

86. Mr. PROSANNA DEB RAIKAT: (*a*) Is the Hon'ble Minister in charge of the Department of Local Self-Government Department aware of the sufferings of the people of the Taluk Dulogram for want of a road from Siscebare to Jateswar Hât in the district of Jalpaiguri in the Duars?

(*b*) If so, will the Hon'ble Minister be pleased to state what action, if any, the Government propose to take in this direction in the near future?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) Government have no information and have not called for any as the matter is one that concerns the District Board.

(*b*) Does not arise.

Pecuniary help for water works of the Jalpaiguri Municipality.

87. Mr. PROSANNA DEB RAIKAT: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state if the Government are contemplating to give to the

Jalpaiguri Municipality any pecuniary help for the establishment of water works in the said Municipality?

(*b*) If so, what will be the amount of the grant and when will this amount be given?

***The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI:** (*a*) No. Government have received no application for such help.

(*b*) The question does not arise.

Indian Society of Oriental Arts.

88. Babu SACHINDRA NARAYAN SANYAL: (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state the annual grant allotted to the Indian Society of Oriental Arts during the last three years?

(*b*) Has the Hon'ble Minister's Department been supplied with Annual Reports and audited accounts of the Society for the last three years?

(*c*) Has the Hon'ble Minister's Department been supplied with any account of the activities of the Society for the last three years?

(*d*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table the Annual Reports and audited accounts of the Society for the past three years?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) Rs. 19,880.

(*b*) The accounts for the year ending 28th February, 1926, only were received.

(*c*) Yes.

(*d*) A copy is laid on the Library table.

Erosion of Kalna town by the Bhagirathi.

89. Mr. SARAT C. BASU: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that a portion of the town of Kalna has been diluviated and is in course of further diluviation by the erosion of the river Bhagirathi?

(*b*) If so, will the Hon'ble Member be pleased to state what steps, if any, the Government intend to take in the matter?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari (*a*) Yes.

(*b*) The movements of the river have been watched carefully by Government since 1923 and the indications are that the river is gradually reverting to its former course.

Détenu Dhirendra Mukharji.

90. Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) whether it is a fact that détenu Srijut Dhirendra Mukharji is at present confined in the Damoh Jail in the Central Provinces;

(*b*) whether it is a fact that his health has deteriorated greatly and that he has been steadily losing weight;

(*c*) what is the total loss of weight he has suffered up till now since his transfer to Damoh Jail;

(*d*) whether it is a fact that the climate of the place is too hot for him and does not agree with his health?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes.

(*b*) No.

(*c*) No loss of weight has been reported.

(*d*) Not as far as this Government are aware.

Détenus and Internees.

91. Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) the total number of détenus in jail under Regulation III of 1818 and the Bengal Criminal Law Amendment Act, 1925, on the 1st August, 1927;

(*b*) the total number of détenus in restraint outside jail on the 1st August, 1927;

(*c*) the total number interned at home on that date;

(*d*) the total number unconditionally released since the 1st February, 1927;

(*e*) the total number confined in Bengal jails on August 1, 1927;

(*f*) the total number confined in jails outside Bengal on August 1, 1927;

(*g*) the total number interned outside jail in Bengal on August 1, 1927;

(*h*) the total number, if any, interned outside Bengal on August 1, 1927;

(*i*) the names of provinces in which Bengal détenus are confined;

(*j*) the names of jails outside Bengal in which Bengal détenus are confined; and

(*k*) the names of détenus who have been transferred to other provinces?

The Hon'ble Mr. A. N. MOBERLY: (*a*) 44.

(*b*) 94.

(*c*) 18.

(*d*) 3.

(*e*) 13.

(*f*) 31.

(*g*) 92.

(*h*) Nil, but two were externed from Bengal.

(*i*) Bengal, Burma, Bombay, Bihar and Orissa, United Provinces, Madras, Punjab.

(*j*) and (*k*) Government are not prepared to publish this information.

Barrackpore Road.

92. Mr. C. C. COOPER: (*a*) Will the Hon'ble Minister in charge of the Department of Public Works be pleased to state whether he is aware of the present condition of the Barrackpore Road?

(*b*) If so, who is responsible for maintaining the road in proper repair?

(*c*) Is its existing condition due to neglect in maintaining the road in proper repair?

(*d*) Will the Hon'ble Minister be pleased to state when and what steps will be taken to expedite the work of repair?

(*e*) What is the estimate of cost of placing the road in a thorough state of repair, including the tar-macadam work?

(*f*) Are sufficient funds available for the purpose?

(*g*) Will the Hon'ble Minister be pleased to give details of the existing scheme for tar-macadaming the road?

(*h*) Is it feasible for the scope of the scheme to include the whole width of the road?

(*i*) What is the estimated cost of the present tar-macadam scheme?

(*j*) What would be the cost of a scheme under which the whole width of the road is tar-macadamized?

(*k*) Will the Hon'ble Minister be pleased to state whether it is a fact that the portion of the road on which the work of tar-macadam has been completed, is already being damaged by the bullock cart traffic?

(*l*) If so, why are the bullock carts not made to keep on the side tracks?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: (*a*) Yes.

(*b*) The Public Works Department of this Government.

(*c*) No. It is largely due to the fact that half the width of the roadway has to carry the whole of the traffic.

(*d*) The laying of the water mains by the Calcutta Corporation is still in progress, and it is impossible to do anything by way of repairs, except patch repairs, until the earth filling over the pipes has properly settled. From Dum Dum Road to Marshall's Workshops the remetalling of the whole 16 feet width of road is in hand. The work, however, is hindered by the Corporation not having fully paid the necessary sum for repairing the damage done by pipe laying.

(*e*) Rs. (5,52,000 + 1,17,000 =) 6,69,000 approximately (to be spent this year and in the two succeeding years).

(*f*) Yes.

(*g*) Two inches of tar-macadam will be spread over the metalling to a width of 16 feet.

(*h*) Sixteen feet is the present width of the metalling—it would appear to be unnecessary to include the whole width of the road, which is as much as 50 feet, including berms in some places.

(*i*) Rs. 5,52,051.

(*j*) See answer to (*h*). If, however, 24 feet were tar-macadamised, the cost would be increased by Rs. 5,27,000.

(*k*) Damage is being done on the west flank of the south approach of Talla Bridge and on the platform of the bridge. There is merely fair wear and tear on other portions.

(*l*) Bullock carts must pass over the bridge, and there are no side berms at this point.

Mr. C. C. COOPER: Will the Hon'ble Minister be pleased to state what steps are being taken by Government to make the Corporation pay the bill for repairing the damage done by pipe laying?

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I hope effective steps will be taken.

Members of the Provincial Civil Service serving in Calcutta, Sealdah and Alipore for a length of time.

93. Babu SATYENDRA CHANDRA GHOSH MAULIK: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing the names of the members of the Provincial Civil Service who have been serving in Calcutta, Sealdah and Alipore for over 3 years and under 5 years?

(*b*) Will the Hon'ble Member be pleased to state the reason why these officers have been allowed to stay in Calcutta and its neighbourhood for so many years?

(*c*) Will the Hon'ble Member be pleased to state the names of the members of the Provincial Civil Service who have been serving in Calcutta, Sealdah and Alipore for over 5 years?

(*d*) Will the Hon'ble Member be pleased to state the reasons why these officers are allowed to stay in Calcutta for so long a period?

The Hon'ble Mr. A. N. MOBERLY: (*a*) and (*b*) A statement is laid on the table.

(*c*) and (*d*) A statement is laid on the table.

List of officers of the Bengal Civil Service (Executive) who have been in Calcutta, Sealdah or Alipore for over 3 years and under 5 years referred to in the reply to clauses (a) and (b) of unstarred question No. 93.

Serial No.	Gradation Number in July Civil List	Name	Station, and date of joining	Remarks
1	35	Babu Jatindra Mohan Chatarji	Personal Assistant to Commissioner, Presidency Division, Calcutta, 28th February 1923.	The tenure for the post of Personal Assistant to the Commissioner of a Division is 5 years
2	81	Rai Sahib Sushil Kumar Ganguli.	Assistant Registrar, Co-operative Societies, Presidency Division, Calcutta, 9th October 1922.	He has been retained at the request of the Co-operative Department.
	Below 105	Rai Sahib Mahendra Nath Gupta.	1st Land Acquisition Officer, 24-Parganas, from 12th January 1924 to 9th November 1925. Assistant Secretary, Revenue Department since 10th November 1925.	It has been the policy of Government to keep Assistant Secretaries in the Secretariat indefinitely.

List of officers of the Bengal Civil Service (Executive) who have been in Calcutta, Sealdah or Alipore for over 5 years referred to in the reply to clauses (c) and (d) of unstarred question No. 93.

Serial No.	Gradation number in July Civil List.	Name.	Station, and date of joining.	Remarks.
1	3 (Selection Grade).	Khan Bahadur Abu Nasr Muhammad Ali.	Municipal Magistrate, Calcutta, 1st May 1916.	Government have decided that he shall remain in this post till the end of his service.
2	Below 7 ..	Maulvi Anisuzzaman Khan.	Additional Presidency Magistrate, Calcutta, 22nd December 1917.	Ditto.
3	Below 11 ..	Rai Jamini Mohan Mitra Bahadur.	Registrar, Co-operative Societies, Bengal, Calcutta, 31st January 1922.	He is head of a department, the headquarters of which are in Calcutta.
4	Below 12 ..	Khan Bahadur Afzalur Rahman.	2nd Land Acquisition Officer, Calcutta, 25th November 1919.	Same as No. 1.
5	Below 118 ..	Mr. Girls Chandra Sen.	Assistant Secretary, Local Self-Government Department, Calcutta, 29th October 1920.	It has been the policy of Government to keep Assistant Secretaries in the Secretariat indefinitely.
6	Below 150 ..	Rai Mallinath Ray Bahadur.	Employed under the Calcutta Improvement Trust, 8th April 1914.	His term has been extended at the request of the Calcutta Improvement Trust up to 1930.

Alleged inconvenience of passengers at Kaunia Junction on Eastern Bengal Railway.

94. Kazi EMDADUL HOQUE: Will the Hon'ble Member in charge of the Department of Public Works (Railway) be pleased to state—

(*a*) whether Government are aware that at Kaunia Junction on Eastern Bengal Railway where often three trains meet and wait for a considerable time passengers suffer greatly for want of drinking water and train accommodation;

(*b*) whether Government are aware that there is neither any hydrant nor any well near by from which the passengers at the station can obtain water to quench their thirst in the dry season or, in the case of Muhammadans, to perform ablution for purposes of prayer and for breaking the fast at sunset during the month of Ramzan;

(*c*) whether the Government are aware that during the *mêla* seasons the congestion of passengers becomes great for want of train accommodation; and

(*d*) whether Government intend to take any step to relieve the congestion of third class passengers and to provide for good drinking water for all passengers?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Sir James Donald): (*a*), (*b*) and (*c*) The reply is in the negative.

(*d*) The question is one which should be referred to the Advisory Committee of the Railway.

Bengal Tenancy (Amendment) Bill.

95. Maulvi ABUL KASEM: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state whether the Government intend to introduce a Bill for the amendment of the Bengal Tenancy Act?

(*b*) Is it proposed to have another Expert Committee appointed to consider the provisions of the Bill?

(*c*) How many committees have hitherto been appointed?

(*d*) What was the total cost incurred for such committees?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) Yes.

(*b*) No.

(*c*) Two.

(*d*) Rs. 12,000, excluding cost of printing and stationery.

Assistant Jailors.

96. Maulvi TAMIZUDDIN KHAN: (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware that there is discontent amongst the officers owing to constant suppression of senior officers of the Jail Department?

(*b*) Is it a fact that in the last reorganisation of Deputy Jailors in 1925, several senior and competent officers were superseded, and that some of them after representation have since been promoted as Deputy Jailors?

(*c*) Is it a fact that in the recent selection of three Deputy Jailors from the Department in May last some of the senior Assistant Jailors have been superseded?

(*d*) If so, what is the reason for such supersession?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*), (*c*) and (*d*) The Member is referred to the answer given to an unstarred question on the subject asked by Babu Khagendra Nath Ganguly at this session.

(*b*) Some were superseded, and some of those superseded were afterwards promoted, not so much on account of their representation as on their merits.

Silting up of the river Baral in the Pabna district.

97. Srijut JOGENDRA NATH MOITRA: (*a*) With reference to the reply given to clause (*c*) of unstarred question No. 31 put by Shah Syed Emdadul Haq at the meeting of the Bengal Legislative Council held on the 2nd July, 1923, on the subject of the silting up of the river Baral in the Pabna district, will the Hon'ble Member in charge of the Department of Irrigation be pleased to state how far the proposal to enable that river to be used as an irrigation channel for improving the irrigation of the district of Pabna has been carried into effect?

(*b*) If no progress has yet been made, will the Hon'ble Member be pleased to state when that proposal is likely to be taken in hand and completed, and what will be the approximate cost of the scheme?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) The Director of Agriculture and the Director of Public Health are arranging to make a joint inspection before the end of the rains.

(*b*) This will depend upon the report.

Anglo-Indians in the Calcutta Police.

98. Mr. E. T. McCLUSKIE: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether Anglo-Indians are admissible into all sections of the Calcutta Police Force?

(*b*) If so, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the total strength of the various sections of the police force at present; and

(*ii*) how many Anglo-Indians are employed in each as compared with Europeans?

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) how many ex-British soldiers are at present employed in the Calcutta Police Force; and

(*ii*) how many such men were recruited in the Force during the past two years?

(*d*) How many Europeans and how many Anglo-Indians are at present employed in the Mounted Section of the Calcutta Police Force?

The Hon'ble Mr. A. N. MOBERLY: (*a*) Yes. Except to the ranks of constable and head constable.

(*b*) (*i*) and (*ii*) A statement is laid on the table.

(*c*) (*i*) 118.

(*ii*) 90.

(*d*) Eleven Europeans, no Anglo-Indians.

Statement referred to in the reply to clause (b) of unstarred question No. 98 showing the total strength of and the number of Europeans and Anglo-Indians employed in certain ranks of the Calcutta Police.

Rank.	Total strength.	Europeans.	Anglo-Indians.
Commissioner	1	1	Nil.
Deputy Commissioner	6	5	Nil.
Assistant Commissioner	10	2	2
Inspector	63	21	11
Sergeant	215	91	100
Sub-Inspector	108	Nil.	8

Deputy and Sub-Deputy Collectors in charge of Khas Mahal.

99. Mr. ALTAF ALI: Will the Hon'ble Member in charge of the Department of Revenue be pleased to state the present number of—

(*i*) Deputy Collectors, and

(*ii*) Sub-Deputy Collectors

holding independent charge of Khas Mahal, district by district, in the province?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The Member is referred to pages 88—91 of the Quarterly Civil List for Bengal, corrected up to 1st July, 1927.

System of constituting Jalpaiguri District Board.

100. Mr. PROSANNA DEB RAIKAT: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state the reason why elective system has not been introduced in constituting the District Board of Jalpaiguri?

(*b*) Is it in the contemplation of Government to introduce elective system in the said District Board? If so, when?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) The Member is referred to the answer given to question No. 69 asked by Mr. Nishit Chandra Sen at the Legislative Council held on the 18th February, 1924, (published at page 32 of Bengal Legislative Council Proceedings, 1924, Volume XIV, No. 2).

(*b*) The Government of Bengal (Ministry of Local Self-Government) have under consideration proposals for amending the Local Self-Government Act, and that in deciding the lines on which a Bill should be drafted, Government will keep in view the desirability of extending the elective system to Jalpaiguri.

Schedule of rates prevailing in Chittagong for articles in forests.

101. Khan Sahib ABDUS SATTAR: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state what is the present schedule of rates prevailing in Chittagong with regard to the various classes of articles of home consumption in reserved and khas mahal forests?

(*b*) Will the Hon'ble Member be pleased to state whether one pass covers the cases of both reserved and khas mahal forests?

MEMBER in charge of DEPARTMENT of REVENUE (FORESTS) (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) A printed schedule showing the rates in force in khas mahal and reserved forests is laid on the Library table. It was published in every Khas Tahsil and Forest Office, Thana and Registration Office in September, 1926.

(*b*) The passes for home consumption described in paragraph 9, page 3, of the printed schedule hold good both in the reserved and the khas mahal forests.

The Hon'ble Mr. A. N. MOBERLY: I beg to lay on the table a document which I promised in answer to a supplementary question.

The following document was laid on the table:—

GOVERNMENT OF BENGAL.

Whereas the Governor in Council by an order, dated the 17th August, 1926, issued, with the previous sanction of the Governor-General in Council, under section 11 of the Bengal Criminal Law Amendment Act, 1925, read with section 4 of the Bengal Criminal Law

Amendment (Supplementary) Act, 1925, directed the commitment of Hari Kumar Chakrabartti to custody in the Hazaribagh Jail (Bihar and Orissa);

And whereas it is expedient that the said order should be modified;

The Governor in Council in exercise of the powers conferred upon him by sub-section (*1*) of section 11 of the Bengal Criminal Law Amendment Act, 1925, is pleased, to make the following order:—

Order.

1. The said Hari Kumar Chakrabartti, son of Jogendra Kumar Chakrabartti, shall be released from jail custody.

2. He shall not enter, reside in or remain in any area within the limits of the Presidency of Bengal.

By order of the Governor in Council,

Sd. O. M. MARTIN,

Additional Deputy Secretary to the Government of Bengal.

CALCUTTA,
The 5th March, 1927.

Maulvi ABUL KASEM: I gave notice of a question. May I ask it now?

Mr. PRESIDENT: I do not think you had my leave to do so.

Motions of no confidence in the Ministry.

Dr. BIDHAN CHANDRA ROY: Sir, I have your leave to move the following two motions that stand against my name. With your permission I will deal with both the motions together, although, I suppose you will put them to the vote separately.

I beg to move that this Council has no confidence in the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, Minister for Agriculture and Industries.

I beg further to move that this Council has no confidence in the Hon'ble Mr. Byomkes Chakravarti, Minister for Education.

You, Sir, have ruled that my motion of no-confidence on Ministers is inadmissible although you have been pleased to accept my other two

motions which asked for the expression of opinion of the Council: the two gentlemen separately. To us members of the Congress, th 69 a distinction without difference. To us diarchy was, has been and on "inadequate, unsatisfactory and disappointing," and, therefore, ive person irrespective of caste and creed or colour who helps the carryi on of diarchy *under the present condition* is not entitled to our confidenc and, therefore, individual or individuals do not primarily coun although their respective qualifications for the ministership have t be, from the world's point of view, remembered and considered. This decision of yours, therefore, does not affect the main issue involved. The position of the Congress is clear whether we take the motion against each separately or against both. I shall, therefore, deal with this motion from a general point of view and then go on to consider specifically the points regarding each motion.

It was in the year 1919 that the Indian National Congress passed a resolution moved by the late Mr. C. R. Das, which ran thus: "That this Congress adheres to the resolution passed at the Delhi Congress regarding constitutional reforms and is of opinion that the Reforms Act is inadequate, unsatisfactory and disappointing." The fourth paragraph runs thus: "That this Congress trusts so far as may be possible they will work the reforms so as to secure an early establishment of full responsible Government." In explaining this resolution Mr. Das said "We would work the reforms so far as it may be, for the early establishment of responsible Government. We are not opposed to co-operation if co-operation helps us to attain Swaraj. We are not opposed to obstruction—plain downright obstruction—when that helps to attain our ideal." That was in 1919. It may be suggested that at that period sufficient information and experience had not accumulated to express such adverse opinion regarding the reforms. Six years after in May, 1925, Mr. Das said in his Faridpore speech "If I was satisfied that the present Act has transferred any real responsibility to the people, that there is an opportunity of self-realisation, self-development and self-fulfilment in the Act I would unhesitatingly co-operate with the Government and begin constructive work in the Council Chamber. The basis in the present Act is distrust on the Ministers and there can be no talk of co-operation in an atmosphere of distrust." "To make such co-operation real and effective," he said "two things are necessary—(1) there should be a real change of heart in the rulers which would be indicated by the Government divesting itself of its wide discretionary powers, and follow it up by proclaiming a general amnesty to all political prisoners; and (2) secondly the Government should guarantee to us the fullest recognition of our rights to the establishment of swaraj, to come automatically in the near future."

The attitude of the party has not varied since. It is a most malicious misstatement to say that the Congress has in its general principles

Amendment outlook changed its attitude towards reforms although in actual Ha[illegible] we might have had to vary our methods according to circum-O[illegible]ces.

It is desirable at this stage to consider what opportunities are granted us under the Reforms Act of 1919 for "self-fulfilments, self-realisation and self-development"—section 52 of the Act says "The Governor of a Governor's province may by notification appoint Ministers to administer the transferred subjects and any Minister so appointed shall hold office during his pleasure" and sub-section 23 of the same section says, "In relation to transferred subjects the Governor shall be guided by the advice of the Ministers unless he sees sufficient cause to dissent from their opinion in which case he may require action to be taken otherwise than in accordance to that advice." The provision of the Act makes it perfectly clear that the appointment and dismissal of a Minister is in the hands of the Governor and during the period that the Ministers hold office it is the Governor who in his actions, in relation to transferred subjects, is to be guided by the advice of the Ministers, unless he chooses to act otherwise.

3-45 P.M.

A Governor of India, as every one of us knows, is a representative of His Majesty, and as such he calls upon a person to act as a Minister "during his pleasure," but he also is the head of an irreplaceable executive, and as such can interfere, if he so chooses, in the administration of the transferred departments. The provisions of the Act, to my mind, give to the Governor the whole responsibility for the administration of the transferred departments and the Imperial Parliament holds him accountable for the proper management of these departments. He is expected to choose his own Ministers and can dismiss them and control them. From this point of view may I ask the erstwhile President of the Bengal Responsivist Party, now in liquidation, wherein does he find in this Act that initiative power and responsibility, these preliminary essentials which they declared, are to be ensured before acceptance of office?

But it has been urged that no constitution of this character can be judged merely by the language of these sections of the Act but by the applicability in practice. Have these sections conferred any real responsibility on the people? In the report of the Joint Select Committee on the Act of 1919 we find in paragraph 4 the following sentence: "The pronouncement of the 20th August, 1917, spoke of a substantial step in the direction of the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government and not of the partial introduction of responsible Government." This report makes it abundantly clear that the Act itself, whatever hopes the pronouncement of 1917 might have

roused in our minds, is never intended to confer any responsibility on the people of this country.

During the last five years, in different provinces of India, Ministers have worked not in a spirit of opposition or obstruction but with a full desire to co-operate, whether responded to or not by an irresponsible Government, and of being able to work this system for the good of the country. Let these Ministers give evidence before you to-day as they did before the Muddiman Committee and to tell you how the provisions of the Act have worked in practice. Sir K. V. Reddy, Minister, Madras, says " in practice they have found responsible Government and democracy have become unreal; at present a Governor can interfere at almost every turn of the wheel of Government machineries." Sir Chimanlal Sitalvhaj, an *ex*-Member of the Executive Council of Bombay, said that " the Governor claimed that the Ministers' function in law was merely to give him advice but that it was open to him not to accept it for any sufficient cause." The result was that the Ministers were never sure of their ground and the Governor claimed more powers in the administration of the transferred departments than he had in the reserved, where the Governor is bound, under *ordinary circumstances*, by the decision of the Council as a whole and cannot *ordinarily* override such decision. Mr. Harkissenlall of Punjab said " Governor being solely responsible for services, creates a somewhat undignified position for the Members and Ministers." Sir K. V. Reddy of Madras said " that in practice he found the servants to be the masters." Mr. Kelkar of Central Provinces said that " the provisions of section 52 of the Act have been considerably whittled down by means of rules and orders issued by the Governor under section 49 (2) of the said Act." Sir Chitnavis of Central Provinces in answer to a question by Mr. Jinah—" What is the position of a Minister? Is he the Governor's colleague?"—answered " The settlement of policy in the transferred subjects does not really rest on the Ministers, the ultimate authority rests on the Governor." Lala Harkissen Lall said " That the work he did as a Minister was not for the good of the country."

I have quoted enough of extracts to show that the cramping effect of the Act itself has not been improved during use but, if anything, has become more cramped. The Congress party have always held that under these circumstances effective ministry is impossible. Popular Government has not been conferred on the people of this country. The real fact is that no subject has been transferred although certain departments have been so transferred. The Ministers have no effective " control " over the superior officers of their departments nor have they any " voice " in their selection.

This being the position; we, the members of the Congress party, hold that we cannot have any confidence in the Ministers who are prepared to accept office under these conditions. We have no confidence in

them if we find that they have not the backing of a majority of the elected members of the Council; we have no confidence in them if we find that their conduct of affairs in the management of public concern has not shown any great concern for the welfare of those for whom they were responsible; we have no confidence in them if we find that their only chance of keeping their office is based not on the amount of work they have done for their country and the people, but on the vague promises of help and support to members of their Council or their families. We have no confidence in the ministries when we find that they have to depend on the official votes to save themselves from disaster. We have no confidence in the ministries who are not prepared by themselves to secure for the subject of this vast country even the elementary rights which every citizen in any civilised Government possesses. When a motion, before this Council was moved by Babu Bejoy Kumar Chatterji, on the 22nd February, 1927, for the immediate release of all prisoners placed under restraint under Regulation III of 1818 and the Bengal Criminal Law Amendment Act, where were the Ministers? On which side did they vote? Did they not by remaining silent on that occasion give a tacit consent to the forging of the fetters which are keeping hundreds of young men behind the prison bars to-day? Did they speak on that occasion? Did they raise their voice of protest against it? What did they do when they found Hindus and Muhammadans, moderates and extremists, Swarajists and non-Swarajists filing into the opposition lobby on the question? We know that they kept to their places perhaps as a special concession granted by His Excellency. Did they not vote for granting a large sum of money for the Band establishment and Bodyguard establishments of the Governor? Did they think that their prestige would be affected if they did not attempt to maintain the prestige of the Governor? When the demand for the Secret Service money was made, did they vote on the popular side?

Why should this be so? Why must it be that the Ministers—our popular Ministers—the people's men, the leaders of the elected representatives of the Council, should be bound down to the chariot wheels of a benign Government? Mr. Chakravarti, as leader of the now defunct Nationalist party in the Council, had led his party into the no-lobby and refused the formation of a ministry on three occasions, until certain essential conditions were complied with, has now accepted office without those conditions. And what is the result? While he and his party in 1925 refused to accept the principle that the local Government should contribute towards the cost of construction of roadways on the Bally Bridge, he has to vote to-day for a grant of Rs. 36½ lakhs of people's money, his people's money, towards the same projects. What a humiliation for him? What was there to prevent him from voting on the popular side? He could not do this only because he was the creature of the Government, a limb of the bureaucracy,

because he could not command any majority among the elected members of the Council, because he does not represent the people at all except that he managed to be a popular Minister by getting into the Council through the back door of a close and special constituency.

The Hon'ble Mr. B. Chakravarti, Sir, is obviously an honourable man. He gave a glowing account of his programme in March last. He trusted that Ministers with their joint efforts will be able to alleviate, if not eliminate, the communal tension which is eating into the vitals of our society. Will he, as an honourable man, tell what steps, if any, has he taken towards the progressive realisation of that ideal? Has the daily paper, *The Bengali*, which obtains his subsidy, poured oil over troubled waters or has it continued to prove " bar and anathema " on this vexed tension? May I ask him what special facility he has provided or attempted to provide for an expansion of Moslem education, for the starting of two institutions for Moslem girls which he had put in the forefront of his programme? Has he endeavoured to provide for adequate Moslem representation in the Senate during his period of office? Would it be news to him that during the last three months two vacancies occurred in the Senate due to the expiry of terms of office of two Senators? Sir Abdur Rahim's term expired on the 16th of June, 1927. This fellowship still remains unfilled whereas Dr. Bhandarkar whose term expired so late as 10th of August last has already been renominated. May I ask if this is fulfilling the pledges he gave on the 12th of March?

Sir, before I finish with this aspect of the question I must state before the Council the motive behind this resolution, because we can only judge of human actions by the motives underlying them. We have regarded and we still regard the institutions of ministry as a sham and myth, so far as grant of responsibility and power is concerned. We have always considered that ministers are the prop of an alien bureaucracy on which the beautiful superstructure of irresponsible power is built. We are committed to non-acceptance in accordance with our Congress pledges. Therefore, in making this motion I and my party have no personal interest. I can, however, assure His Excellency and every member present here and the public outside that we have tabled this motion after full consideration and mature judgment. We have done so not in a "spirit of levity," "not as a pastime," as the Hon'ble Mr. Ghuznavi would have the public to believe. We have done so with a full sense of responsibility for our action. However much we may be maligned, whatever attempts may be made to taboo everything that emanates from the other side of the House, we would never have taken this responsibility unless we felt that we are voicing the feelings of the public in this matter. We feel it our duty to say that a gentleman, who has proved himself unfit to manage public concerns, who has been at any rate morally responsible for the ruin

of two national institutions and of many homes in Bengal, should not be placed in charge of important departments of Government. We should not, as has been well said, allow inefficiency to masquerade in the garb of efficiency. Common sense, self-respect and prudence should have, before this, prompted the Hon'ble Mr. Chakravarti to resign his office.

Sir, the case of the Hon'ble Mr. Ghuznavi is slightly different. He represents a general constituency and, therefore, is a champion of the people. How has he discharged his responsibilities? When the motion of Babu Bejay Kumar Chatterjee for the release of political prisoners came up before the Council in March last, what did he do?

4 P.M.

He with his honourable colleague shared the joint responsibility of sitting on the fence and remained neutral. May I ask him—wherein does he find in the Act any direction that the Ministers should not lead the people's representatives into the lobby wherein is cast the vote of the people? I ask him has he not by this very act forfeited the confidence of the people and therefore of their representatives? If he thought that the indefinite detention of the youths, the flower of Bengal, was right; if he felt that the curtailment of personal liberty of political workers was a correct procedure, why did he not go into the Government lobby? On the other hand if he felt otherwise, if he felt doubtful of the wisdom of such action, why did he not have the boldness, the courage of a man and say "I stand by the liberties of my people—freedom first, freedom second, freedom always is my motto"? If that meant his resignation, he would have shouldered with pride the honour and glory of a martyr to the cause of the freedom of his motherland. It was only then that he could have asked for the blessing of Providence and the good wishes of the people of this country.

Sir, Mr. Ghuznavi is a great champion of communal interests. He is one of those altruistic persons who consider that to serve himself is to serve his community. He it was who first raised the problem of music before mosques which has brought on untold sufferings upon the poor people of this province and has tarnished its good name. During the past few months a most harrowing tale of suffering and frightful incidence of massacre came from Ponabalia. His co-religionists in this Council raised this question; should he not have insisted on a proper committee of enquiry and, if unsuccessful, should he not as a champion of Muhammadan interests come out of a Government which refused this modest demand?

Sir, the Hon'ble Minister delivered a speech recently at Berhampore and when I say "Berhampore" I say that deliberately because I am at a loss to know whether his speech was the outpouring of an aberrant and worried brain. He took care to publish this speech following the unwritten convention in all civilized countries and also took care that a

copy of the *Statesman* containing a report of the above speech reached my hand. In that speech he has given us a catalogue of his achievements; medical education and need of up-to-date hospitals is now being carefully tackled; his next achievement, the problem of rural water-supply, has not escaped his attention. I may declare for all whom it may concern that if any credit for the increase in medical schools is to be given to any individual the Maharaja Bahadur of Nadia should be given his full share of encomium; but I am sure he will not object to giving Mr. Ghuznavi a part of his reflected glory. His next achievement was the scheme which was the dream of Deshbandhu. It is the privilege of the Minister to give full impetus to that scheme. We all know the history of this scheme. If Sir James Donald's stony heart had not melted, the Hon'ble Minister would have been no nearer the scheme than he was in 1924. We know how this scheme was launched; we know also how the scheme was taken up to the point which it has now reached. There are five other items in the record. I need not worry the members of the Council nor do I intend to take their time by repeating them. He is careful not to tell us whether it is the unwritten practice of Ministers in all civilized countries to canvas for votes with promises of preferment. I am told that during his recent tour to one place (I believe at Khulna) he refused nominations of certain individuals who were recommended by the Magistrate. He only put in the names of those who had gone to give him honour and respect. Is it the unwritten practice of Ministers in all civilized countries to sit tight on official files in order to serve their own personal interests, to request subordinates to bring pressure to bear on the doubtful and the hesitating voters? He is careful not to tell us why his six months of office in 1924 were so barren of achievement. What has made the present record so refreshing as he says? He does not tell us whether there is any constitutional popular Minister in any civilized country in the world who would stick to his office when 21 out of 38 elected members of his own community of which he is the high priest and champion in this House voted against his salary on the 12th March, 1927. These members did not come as we have come pledged to non-acceptance of office; they did not come to oppose the working of the reforms and yet when he found that at any rate 21 of 38 members who had come to the Council on the same ticket as he had, voted against his salary.....

[Here the member having reached the time-limit was allowed to finish his speech.]

Was it not his duty to offer his resignation to His Excellency the Governor? He is not ashamed to continue in office even when the majority of the elected Indian members of the Council voted against his salary in March last.

With the above words I beg to move the two motions that stand in my name.

Nawab KHWAJA HABIBULLA: In rising to support the motion moved by Dr. Bidhan Chandra Roy on a vote of non-confidence against the present Ministers, I would like to submit the reasons which compelled me and others of the same opinion to speak and support the same motion. We, the Muhammadans, came to this Council with a special mandate from our constituencies to work diarchy. We carried out the mandate and even voted for the Ministers appointed by Lord Lytton, the then Governor of Bengal, thinking that our community and the country at large would benefit But the result of the work done by the Ministers is practically nil. Promises were made but had not been kept. I repeat, that we are for diarchy but we feel that the present Ministers are incapable of doing any good to the country. A trial has been given but it has not been a success.

A greater reason for supporting this motion is that—is it right for men who are in a high position to intimidate members of their party by threats of future reprisals? I say it cannot be done and to show our disapproval we have cut off all connections with the Muslim Council Party. I hope that the whole House will support these motions.

It is said that we are going against diarchy. I emphatically say that it is not so for the simple reason that the Ministers' salaries have been passed for the year. If this Ministry goes another will be appointed in its place; therefore, the question of diarchy does not arise for the Muhammadans.

Mr. W. L. TRAVERS: I rise thus early in the debate to place before the Council as clearly and as briefly as I can what the British party in this House intend to do on the motion before it and their reasons for so doing.

First of all it has been said in connection with this motion that the constitutional issue does not arise. One reply to this has already been given from the extremely well-reasoned speech of the hon'ble mover against the system of diarchy, and I would inform him also that with some of what he says my party are in agreement. But where we join issue on the subject of diarchy is clear and simple and it is this that we do not consider that diarchy has had in this province a fair trial; moreover we consider that this motion and the debate to-day and the many debates that have gone before are evidences of that statement. Now, Sir, to say another word or two in regard to the question not being a constitutional one, it is an opinion with which we disagree. It is stated that the Ministers' salaries were passed in the last budget and, therefore, further Ministers will be appointed. They may be appointed but it seems to me that within a short time—unless indeed there be a change of heart in the party opposite—the predominant party opposite—and they take office, unless that happens, I say again that Ministers may be appointed with a very small majority and then there may be another

vote of no confidence and a further appointment of Ministers and so on till the end. So I say that if the present combination be finished, if the vote to-day be passed and the Ministers forced to resign, the constitutional issue will arise. The vote to-day will finish diarchy in this province for a considerable period at least as effectively as if the votes for the salaries of Ministers had been refused in the budget. In connection with the possible future appointment of Ministers I do make it perfectly plain that it is not a *sine qua non* with the British non-official party in this House that they will support any ministry that may be appointed. It is true that they have as a rule supported Government in this House but they were forced into that position because they were the supporters of the constitution and there is a party, a large party permanently in opposition not to Government but to the Constitution itself.

Now, Sir, to begin with the Hon'ble Mr. Ghuznavi. He was appointed only six months ago. His appointment was agreed to by the votes of the combination and in the majority of that combination who voted for the Ministers' salaries was the British party. There have been in this Council frequent and constant battles between diarchy and the Opposition and now apparently there is to be a change of direction in the same way but not with the same object. Knowing that the stay of diarchy is impossible now the fitness of the Ministers is to be attacked after only six months' trial.

4-15 P.M.

We have come to the Council with two objects—the one is to represent as fairly and as justly as we can all British interests and the other is that we all desire most ardently to do what is possible each in our humble way something in the direction of social reforms amongst the people.

Sir, I live, as you all know, in the heart of the country and the immensity and urgency of the problem of doing something to raise the standard of comfort of the people of this province grows on one's mind day by day and month after month. I see epidemics; I see no Doctor available to treat people. Government may do what it can but at the same time the state of affairs in the province in regard to the improvement of health, the increase of wealth, the improvement of agriculture and so on is imperative. I say that one of the main reasons which hinder progress in raising the standard of comfort of the people has been the constant and frequent fights over diarchy and over the Ministers. Instead of devoting their time and energy in helping forward the cause of the departments which are transferred, the representatives of Bengal here have spent four years in ploughing the sands of the sea in endless discussion and fight over diarchy. I also ask this Council how it is possible to effect efficiency much less progress—efficiency of administration in the transferred departments when these departments are being bandied from pillar to post, from Member to

Minister and from Minister to Member and back again to Minister. There can be no continuity of policy. There can scarcely be any progress. For these reasons and because we consider that a constitutional issue is raised, we are supporting diarchy. We consider, moreover, that the Agricultural Minister has not had a fair chance in six months to prove his worth and his ability. Mind you, we also appreciate efficiency. We shall in the future, when we consider there has been a fair and reasonable time, examine with care what has been done and if we consider that the Hon'ble Minister—say in six months' time—is not progressing and if some of these projects which Dr. Roy has referred to and the members of this House, have not really moved towards completion, we shall then join them in voting against the Minister.

As regards the Hon'ble Mr. Chakravarti we also support this motion on the constitutional ground to which I have already referred. I have one other remark to make and it is this: There have been certain allegations made against Mr. Chakravarti in connection with his business affairs in regard to public institutions. We consider that at the present moment it is in a way *sub judice*. We should, therefore, prefer to wait for the report before we pronounce any judgment.

Mr. S. C. MUKERJI: I am glad that Dr. B. C. Roy has moved this resolution of no confidence in a bifurcated fashion, that is, he has not lumped the two Ministers in one motion but has kept the two Ministers quite separate. So far as I am concerned, during the last seven years of my tenure of office in this Council, no subject, no question has caused me such deep pain and anxiety as the one which has been moved by Dr. Roy; and after very careful and mature consideration and in obedience to the dictates of my conscience, I feel that I should support Dr. Roy so far as the Hon'ble Mr. Chakravarti is concerned and oppose Dr. Roy so far as the Hon'ble Mr. Ghuznavi is concerned. Sir, I am sorry that Dr. Roy entered into a long thesis on the merits and demerits of diarchy. So far as the constitutional issue is concerned, we are quite aware of the pronounced views of the Swaraj party, and the Swaraj party is equally aware of our views regarding this constitutional question. So far as the Swaraj party is concerned, they think that diarchy is inadequate, unsatisfactory and disappointing and, therefore, it must go and it must not be given any chance. Whereas we, on the other side of the House, feel that diarchy needs considerable readjustment. We feel, however, that there are sufficient grounds for giving it a fair trial, and in fact a fair trial has been given to it in several provinces of the Indian Empire. So far as *this* question is concerned, I do not take it as a constitutional issue at all. I take it to be a personal question, pure and simple, *viz.*, whether these two Ministers enjoy the confidence of the House or not. I take the question in that light; and though I feel it gives me great pain, I must say, after what has

happened during the last six months, my confidence in the Hon'ble Mr. Chakravarti has been rudely shaken. Not only my confidence, but so far as I am aware and so far as I am able to guess the feelings of my community, it has shaken the confidence of my community, also, *viz.*, the Indian Christian community. I feel, taking all things into consideration, that the destiny of 45 millions of people in the matter of education which I consider to be the most important portfolio in the whole of the transferred departments can hardly be left with safety in the hands of Mr. Chakravarti, Sir, the whole of Bengal is in mourning to-day because of the very sad calamity that has befallen thousands of widows and orphans who are shedding tears and who have not got a single pice to fall back upon. I, therefore, feel constrained to support Dr. Roy's motion so far as Mr. Chakravarti is concerned.

As regards the Hon'ble Mr. Ghuznavi, my feelings are quite different. I know that he has his limitations—those limitations were demonstrated in certain communal questions—but who is there who has not his limitations? Who is there that has always been infallible, I feel, and conscientiously feel, that he has tried his level best to do justice to the position with which he has been entrusted. I know that sins of omission and commission have been enumerated against him. Had Dr. Roy been in his place, I could also have enumerated sins of the same nature in the matter of the discharge of his onerous duties. I do not think in the same way that Dr. Roy thinks. The only reasonable course for us is to judge each Minister on his own merits.

[At 4-30 P.M. the Council was adjourned and it reassembled at 4-48 P.M.]

Rai JADUNATH MAZUMDAR Bahadur: The game of "no-ministry" is being played for the third time in this Council within the last six months. We had it at first in January, then in February or March and we are going to have it now. This game of no-ministry has been played not only here, but all over India, but we know with what result. The result is that those who are for no-ministry have always been defeated. Only the other day there was a motion for no-ministry in Madras, and it was defeated; so I am sorry my friends on the opposite side are going to revive the old cry and bring forward again the same arguments that have been thrashed out a hundred times not only in this House, but all over India. (A voice: We do not support a bank swindler.) Even if we upset the present ministry we do not gain much. It is always argued that the present ministry is not a perfect one; nobody ever pretended that it was; we all know that the Ministers have been working with certain limitations, that is known to all; it is idle to elaborate those limitations. It is idle to cry over the ministry under the present Act. (A voice: What about the Jessore overdraft.) Try to change the present constitution if you can, that is good, but it is idle to try to throw away the present ministry. My friends on the

other side have urged that there should be no ministry at all; then this vote of censure is not against any particular Ministers, but against the ministry as a whole. Their attitude, I say, is inconsistent and not in consonance with the spirit of patriotism. (A voice: We do not support bank swindlers.)

Mr. W. L. TRAVERS: May I rise to a point of order, Sir. Is the Rai Bahadur addressing the House, or is it my friend on the opposite side? Both are on the floor of the House.

Mr. PRESIDENT: Order, order. The Rai Bahadur must be allowed to speak without any further interruptions.

4-50 P.M.

Rai JADUNATH MAZUMDAR Bahadur: It reminds me of the old story of the man who went in search of a bride; many brides were chosen, but they all failed to satisfy him; he found some defect in all of them. So I say, we may get the best Ministers for the Swarajists, but they will always find some defect or some mistake in them. Therefore I say that this cry of no-ministry has no room in this Council. It has been said that the Ministers lost the confidence of the public at the time when the question of the release of the détenus was considered by the Council. My friends know well that though the Ministers did not approve of the policy of the Government, they could not go against the Government. (A voice: They should have then resigned.) They would have resigned if they knew that the Swaraj party was going to move this motion. (A voice: No cotton gamblers.) They would have resigned if some of the members of the Swaraj party, many of them clever men, intelligent men, excellent men, would come in and take their places; but they knew that none of the Swaraj party would take their place and be prepared to come and accept responsibility; the Swaraj party have always avoided responsibility. That is not logical; you are approaching the subject in a spirit of levity. If there be no ministry what will be the result? The transferred departments will be taken over as reserved departments and you will lose the chance of passing what is called a vote of censure again upon them. You cannot pass a vote of censure against the Hon'ble Mr. Moberly, or the Hon'ble Sir James Donald, you cannot call upon them to resign. Therefore I say that this motion on your part is not at all logical. You are expecting the Ministers to perform miracles. They have only been in office a few months. Had the Ministers been guilty of misfeasance or malfeasance I would have myself voted against them. Mr. Chakravarti is a lifelong friend; I would not believe anything against him unless anything is established. (A voice: What about the Bank?) I think it is unfair to move a vote of censure when this matter is *sub judice*..... .....

Mr. PRESIDENT: Rai Bahadur, will you please address your remarks to the Chair, and not to the other members?

Rai JADUNATH MAZUMDAR Bahadur: I am sorry, Sir, but you are here to protect me, and if you do not protect me, I must protect myself. As regards the two Ministers, Mr. Chakravarti and Mr. Ghuznavi: I understand Dr. Bidhan Chandra Roy has moved this vote of censure against them on the ground of no-ministry and not on personal grounds. I am very glad that he has not referred to any extraneous matters. What is the position of Mr. Chakravarti? He has been here for only six months; can you expect him to work miracles to bring down the moon to earth in order to give you light? You can bring a charge against anybody. But what charge have you against Mr. Chakravarti? Is it that he has not freed the Calcutta University from the trammels of officialdom; that he has not been trying to give universal primary education? You want him to work miracles within six months. Can even Dr. Roy work miracles within six months?

My friend Mr. Mukerji has referred to the matter of the failure of the bank; the less said about that matter the better; as I have said, that matter is *sub judice* and it has not been established that Mr. Chakravarti has done anything wrong; he is a lifelong friend of mine.....

Dr. BIDHAN CHANDRA ROY: Is the hon'ble member right in showing us his thumbs like this? (Loud laughter.)

Mr. PRESIDENT: Order, order. I think the member should be allowed to continue.

Rai JADUNATH MAZUMDAR Bahadur: I repeat that it is unfair to pass a vote of censure on a person against whom a case is said to be pending, or is *sub judice;* the matter is being enquired into and when you shall have found that Mr. Chakravarti has been guilty of anything which is not worthy of the position of a Minister of this House, then I shall be the first man to vote against him.

As regards Mr. Ghuznavi, it is said that he is guilty of not supporting the Muhammadans in the Kulkati case; but is the Kulkati case a matter in the jurisdiction of the Ministers of this House? Can he act as a Member in charge of Police? Why not ask the Member to enquire into the matter instead of asking the Minister to resign?

5 P.M.

Is that a logical proposition or is that the sort of proposition which should come from intelligent and patriotic men like those of my friends on the other side of the House? It reminds me of the English saying—

I do not like the Dr. Fell,
The reason why I cannot tell.

You do not like to have Ministers, but why should you go against every body whoever be the Minister and the reason you cannot say? Even if a paragon of men and a most excellent man like my friend Dr. Bidhan Chandra Roy be a Minister you will cry him down to-morrow. Therefore, there is no case against these particular Ministers. What you want is that there should be no ministry and that question has been over and over again dealt with very carefully not only here but all over India. Therefore, I say don't give a bad name to Bengal—that Bengal did not know how to act properly. The Statutory Commission will be coming shortly and they will see what you are doing. This is a matter which ought not to be treated with levity. Therefore, I say don't judge people by this or that. What has Mr. Ghuznavi done to deserve your condemnation except that he does not belong to your party or to the party which does not accept office. You are also not prepared to accept Mr. Chakravarti. I find from papers circulated yesterday—"Down with swindlers," "down with Mr. Chakravarti," "down with Gajachakra." The matter is *sub judice* and nothing has yet been substantiated against him. Down with every dishonesty, but let that dishonesty be proved to the hilt before you cry down anybody. Suppose there were no Bengal National Bank affair or the Banga Laxmi Cotton Mill affair.

Mr. PRESIDENT: Rai Bahadur, you need not take any notice of the remarks made by the other side.

Rai JADUNATH MAZUMDAR Bahadur: I am under your care and if you do not take care of me I shall have to take care of myself. Those remarks cannot disturb the equanimity of my temper.

Mr. PRESIDENT: Order, order. I cannot allow you to proceed any further.

[At this stage the time-limit was reached and the member resumed his seat.]

Sir ABD-UR RAHIM: Sir, I wish to bring to the notice of the House that Maulvi Abul Kasem, who is a member of our party also gave notice of a motion similar to this. As Dr. Bidhan Chandra Roy obtained permission of the House to move his motion, it was not necessary on the part of Maulvi Abul Kasem to ask for permission again. I wish to make the position of my party perfectly clear. So far as my position with reference to the question before the House is concerned, there can be, and there ought to be, no doubt whatever. I have on more than one occasion defined my position perfectly clearly. Our party is fully conscious of the serious defects in the present constitution and I have pointed out these defects more than once—and specially before the Muddiman Committee while I was a Member of the Bengal Government. But inspite of the defects, we think that no harm can

be done and that some good may be achieved by properly working the present constitution—I say deliberately "properly working the constitution" because if you have Ministers who do not command the confidence of the public especially of the elected portion of this House, I say the transferred departments cannot be properly managed and instead of doing any good to the country the Ministers may retard the progress of the constitution. If the Ministers have to depend on stray individual votes it demoralizes public life and it demoralises the administration We know this by experience—it is not a mere theory. There are members of this House who will remember the last ministry of which again the Hon'ble Mr. Ghuznavi was a member. We know what happened and we know now what is happening. I do say that if Ministers do not have a sufficient following and if they have to depend upon a few individual votes in support of their office the result is very demoralizing to the administration and must necessarily be so. Therefore, my position, so far as I am concerned is perfectly clear. Whether the Swarajists are right in taking up the attitude they have taken and in which they persist it is not for me to argue with them again. That is the attitude of the Congress. The fact remains that a very large number of the elected members of this House are bent on not giving this reformed constitution a fair trial. In the circumstances, it is very difficult, if not, impossible to carry on the Government under the Government of India Act. But there is a large section of the House again who do believe that with all the limitations of the present constitution it is capable of doing some good, and His Excellency the Governor told the House only two days back in no uncertain terms that if the vote of no-confidence was passed he would immediately appoint other Ministers. Naturally so—because the salaries of the Ministers were passed in March last, though some of us did not want to pass the salaries, because they had no faith in the Ministers who were appointed. I ask the House to carry their memory a little further back. They will remember the first ministry that was appointed by Lord Ronaldshay, a ministry with Sir Surendra Nath Banerjea at the head. Can any one who was a member of this House then deny that that Ministry proved perfectly successful? You know that at that time non-co-operation was raging in the country in a violent form. There was a very strong feeling against the British régime in India. In spite of all that, the course of the ministry at that time ran smoothly and especially because of Sir Surendra Nath's exceptional personality and gifts, the constitution was worked with success. I say that this is an admitted fact. Can any one deny that the Calcutta Municipal Act which was passed at the time was a measure which the people of this country appreciated greatly and for which they will remain grateful to the memory of Sir Surendra Nath? What happened after Lord Ronaldshay left? Some members of this House will remember what happened to the next ministry. In the first instance a great mistake was made in reducing

the number from three to two and of that ministry composed of two men, Mr. Ghuznavi was a member. You know what a struggle there was to keep up that ministry. At any rate after six months or so, that ministry had to go; and this Council and this province heaved a sigh of relief when the ministry went out. Exactly the same state of things is being repeated now with a small margin of votes this side or that side. Who is to be blamed for this?

Mr. Travers has said "Oh! If you are always turning out Ministers how can you have the constitution administered in this province?" My answer is this: Who is to blame? Surely the selection of the Ministers is an essential and a most important factor. If you select Ministers who have not got the confidence of the people or of the majority of the elected members of this House, you are creating and inviting difficulties. Surely if Ministers were appointed upon the advice of responsible persons who knew the state of things the mistake would have been avoided and you would have a properly working ministry as they have in the other provinces of India But that was not done. That is the mistake which was committed. Now, by keeping these Ministers what is it that is sought to be gained? We know that the Statutory Commission will be coming here shortly. There is a body of opinion—I should say almost universal opinion that the only possible line of advance in the constitution is along the lines of responsible Government. If that is so, what is sought to be proved by keeping the two gentlemen in office? Is it sought to be proved that diarchy or responsible Government of the transferred departments has proved successful? Is that what is sought to be proved by keeping two gentlemen in office? If so, then I ask, in all seriousness, the Hon'ble Members of the Government whether they think that by producing these two Ministers before the Statutory Commission they will make out that case. On the other hand, is it sought to prove by producing these gentlemen before the Statutory Commission that responsible Government is not suited to this province, that the people are cussed, so obstinate that they do not know what is good for them. I do not care how that Commission is composed—whether it has a single Indian on it or not—as has been suggested by some people. I say that you cannot prove anything by saying: "Well, we have got these gentlemen as Ministers and therefore Diarchy has been successful or unsuccessful." The difficulty is this. A mistake has been made—I do not say on purpose—but owing to a combination of circumstances. When you have got men who do not command the confidence of the people, who do not deserve the confidence of the people, it is idle to say "Oh! keep them anyhow, diarchy at any cost, even if it serves no purpose and does not improve the administration." On the other hand it is dragging the administration—I am sorry to say—through the mire. In such a case, would you still say: "Yes; we must have these gentlemen."

This is my case. I do not want to go into details. I should be taking up too much of your time if I went into details; but I think most members of this House know the facts and it is not necessary for me to go into them. I would ask you in all seriousness: Is it desirable, is it proper that these gentlemen should be kept in their office?

5-15 P.M.

You have seen what opinion the Hon'ble members of this House hold of them. In the face of that opinion of the majority of the representatives of the people, I would specially ask the English members of this House if they really think it their duty to cast their votes in favour of the Ministers.

As regards Mr. Ghuznavi I want to make this perfectly clear that people in season and out of season have been maliciously circulating a suggestion that there was some sort of personal quarrel between us. There was no personal quarrel between us and that my strong objection has been to his public conduct and it is on this ground that I hold that he should not continue as Minister. The public has no confidence in him. Most of the members will remember that after what happened at Kulkati at Barisal I found it my duty to resign my seat and to seek a mandate from my constituency. You know how that incident stirred up the Muhammadan community in Bengal and if you followed the newspapers you will agree with me that it stirred up the community in all parts of India and raised indignation to a high pitch in the community throughout the whole country. They have not forgotten it nor are they likely to forget it unless full redress is given. It was a special duty of one who represented the Moslem community in the Government to press strongly upon the Government to grant our very modest prayer—and what was that prayer?—only a prayer for an independent and impartial enquiry. A representative of the people who has not the courage even to do this much do you think that the people can have the least confidence in him. I ask Mr. Ghuznavi to come to the country and seek re-election from his home district where he has got his zamindari, and I say with confidence that he will never be returned. The whole community is opposed to him. Are you going to defy the community in this fashion?

As regards Mr. Chakravarti, I have no personal quarrel with him either. As a matter of fact we have been old friends.

Mr. PRESIDENT: I am afraid, your time is up.

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: Sir, It is only a short while ago that I had an occasion to say elsewhere that artificial clouds were beginning to gather on the political horizon of Bengal, and that a fresh attempt would again be made to stop the work of the reforms and to arrest its further progress in Bengal. My

predictions have come true. I would say at once that this vote of no-confidence is merely a manœuvring, a sordid political move, in order to gain cheap notoriety and to secure the halo of victory on the part of some, and to satisfy personal grudge and private spite on the part of others. But, Sir, I ask, have they ever paused to consider what the effect of their favourite pastime is likely to be on the future of this province? Have they ever paused to consider that at the expense of satisfying a personal grudge and securing the applause of the gallery they are really setting back the hands of the clock of progress so far as this province is concerned? Have they considered what harm they have already done to the progress and well-being of the land they live in and the yet greater harm which they are likely to cause in view of the forthcoming advent of the Statutory Commission? They have already succeeded in one thing, namely, to render Bengal a by-word of ridicule. A time was when while Bengal led, the rest of India followed. Now it is Bengal that is doomed to lag behind other provinces as the result of the light-hearted pastimes in which they have been indulging for some years past.

Bengal now stands isolated and alone while the reforms are working satisfactorily in all the other provinces. In spite of the rhetoric of my friend, Dr. Roy, and his disavowal of any personal motive in bringing this motion, I am afraid that a great deal of personal motives have entered into this motion. He has tried to explain the attitude of his party with regard to the question of diarchy and he has dilated on the provisions of the Act which gives the Governor the power to administer the transferred departments irrespective of the question of the Minister. He has told the House that the provisions of the Act do not confer any real responsibility on the people. He has told the House that the Governor can interfere in all matters and function of the power of the Minister. This is far from the truth. May I tell him that it is the Minister who really makes out the policy? May I tell him that the Governor is there to take and give advice to and to guide and be guided by the Minister. I say that it is possible for any Minister to do sufficient good to his country and the people if he really wishes to do so and if he is worth his salt. In all civilised countries where parliamentary institutions flourish, it is not possible to bring in a motion of no-confidence against any Minister on such flimsy pretext—nay, it would be unthinkable. There such a motion must be based on some constitutional issue or some particular question of policy or some matters connected with the public weal: but here, in the speeches to which I have listened patiently I have failed to find a single instance, which they have been able to cite of any action on my part whereby I could have possibly forfeited the confidence of my countrymen.

It was only in March last when a vigorous attempt was made to throw out the salary of the Ministers. At that time, I must say, so far

as a large section of friends on the opposite is concerned, there was some plausible ground inasmuch as it could have been interpreted as an attempt to kill diarchy altogether. The deplorable Kulkati incident was there: Full advantage was taken of arousing communal passions to the highest pitch: but in spite of all such sinister endeavour their attempt was defeated, and the verdict was entirely in our favour. What has happened since then? If any thing, I have been in the meantime trying my humble best to do whatever I can in order to serve my God and my country. I consider it a sacred privilege to serve God by serving his creatures and that is what I have been doing. Ever since the assumption of office I have been untiring in my efforts to formulate and push through far-reaching schemes affecting the public welfare. I would briefly recapitulate a few items. Will it please my friend, Dr. Roy, if I tell him that I have initiated various schemes of public utility? Shall I tell him, although he treated the subject in that light-hearted fashion, whereas I did not for one moment treat them in the way he has done? Shall I tell him that as regards the question of cholera—a disease which at once rouses terror in the minds of the people—that it was I who initiated a vigorous campaign against it? It was in Bengal that 30 years ago Dr. Hapkin invented that wonderful treatment. While other countries had taken advantage of this system of treatment and driven away cholera from their shares here in Bengal thousands were dying every month from cholera; but since the introduction of the above treatment the death-rate has fallen off considerably. Was it a crime for the Minister to do this? Was it a crime to serve his countrymen, I ask? If so, I plead guilty to the charge. Then as regards water-hyacinth, the House is perhaps aware that this question has been before them for a number of years and still nothing tangible had been done. I have given very careful attention to this question. Most of the members are perhaps not aware of the extent of the damage done alone to crops by this pest and they will perhaps be surprised if I say that in one district alone the loss to agriculture came to Rs. 47½ lakhs. May I ask if it is a crime to take all steps that were necessary in order to eradicate the pest? If so, I plead guilty to the charge.

Now, Sir, I turn to the regrettable Kulkati incident which has been yoked to the cause of political vendetta, and I will only say that they are worse than vultures who could take advantage of the bodies of those martyrs for this political propaganda. I have been told that I did not stir in the matter. I emphatically repudiate the charge. It was I who took a large number of the members of this House to wait upon the Hon'ble the Home Member and to represent Moslem feelings in this connection and press for necessary inquiry.—Nor did I stop at that. I also interviewed His Excellency Lord Lytton, the then Governor, and did whatever was possible in the circumstances, and I only rested when I felt sure that necessary action would be taken.

5-30 P.M.

What have the other gentlemen done? I have been trying to raise funds for the relief of the people and they were trying to stop the collecting of those funds. Those funds, God willing, will be distributed to the people affected in the fulness of time.

I have no hesitation in saying that this is no *bona fide* motion of no confidence at all. It is merely an opposition arising from a curious amalgam of political irresponsibilities and personal jealousies and disappointed hopes on the part of disgruntled politicians. It is such an opposition which on the pretext of our having lost the confidence of this House seeks to hound us out of office before we have even had a fair chance and time of showing what we can do. One can understand the attitude of the Congress Party in the Council which is avowedly out to oust diarchy and kill diarchy if that be possible. But I had hitherto thought that their opposition was against the principle and not against the personnel of the present ministry. But the opposition from their new-found Moslem allies seems inexplicable as these gentlemen were sent to the Council with a distinct mandate to work the reforms and not to destroy them. But their first act was to vote against the salaries of the Ministers. What lay behind their action then lies behind their action now and is quite patent to all.

I have also been charged with keeping silent at the time when there was a motion before the House with regard to the release of the détenus. I was told that I remained neutral. With your permission I will refer my friends to the Rules of Business on this subject. Speaking from memory I may say that the rules are that when a Minister does not happen to agree with anything that transpires in the work of his colleagues, he cannot possibly oppose them by speech or vote against them, there is only one course open to him—and that is to remain neutral. I am sure that my friends on the other side cannot be possessed of the divine gifts of reading other people's thoughts. They surely cannot pretend to tell me they know what thoughts were in my mind when I sat silent and did not vote on that resolution. I ask them is it fair on their part to charge me with a thing to which they cannot ascribe any motive?

I have also been charged with communalism and things of that kind. I beg to emphatically declare that everyone can have only approbation for a Muhammadan or a Hindu who safeguards the legitimate rights of his community without encroaching upon the rights of others. But we can have nothing but condemnation for that Hindu or that Muhammadan who tries to oust the other. In this land of ours it is the duty of the Hindus and Muhammadans to live side by side as brothers. (Hear, hear!) As I have said on more than one occasion, that if my Moslem brethren will only realise that it is their

duty not only to help each other but to live in amity with the members of all the sister communities then nothing on earth could retard their progress.

(A voice: When did you discover that?)

I do not think I need take any notice of questions of this kind. I shall be very pleased to reply to them outside the House as some of them come from men for whom I have very great regard. Such being the case I would appeal first of all to my Moslem brethren to assist me in the working of the reforms. I would appeal to all in the name of everything that is holy to consider the effect of their action to-day. We have been told that the Statutory Commission is coming shortly. I want to ask them squarely and fairly what verdict can the Statutory Commission give other than that Bengal is unfit for any further political advance if we go on as we are doing? I fully share the views of my friend Sir Abdur Rahim that diarchy is not a perfect constitution. Diarchy has its faults, limitations and shortcomings. But is it not our duty to work diarchy and work the reforms for what they are worth? It is our duty to show by our merit that we are worthy of further reforms and further progress. It is not for us to say that because this constitution is not perfect we won't have it. It is for us to say that whatever be the limitations of the system we will work it and show by our merit that we deserve something better. I need not remind my friends of the proverb "First deserve then desire." We have got to prove our merit before the bar of the English Parliament and before the bar of the British people, we have to prove that we are fit for further reforms before we can expect to get them.

If my friends on the other side would only recall the events in recent years that took place in Ireland and Italy, they would find that things were different from what things are in this country. A lot of blood was spilt and machine-guns were fired there but we have no such weapons to fight with but we have the greatest of weapons and that is to work the reforms and show by our action that we deserve further reform and further progress and responsibility.

Here I stand and declare before God that I have been inspired all the time by one and one motive alone and that is to serve my country to the best of my ability. I do not claim to be infallible. I am imperfect and conscious of my limitations. But I recognise it to be my duty to do what I can in order to serve and further the progress of this country. I frankly confess that I have always been inspired by these ideals in spite of what my friends on the other side of the House may say. In conclusion I can only deplore in the words of the poet—"Oh! what a rarety of honour and charity, under the Sun!"

The Hon'ble Mr. BYOMKES CHAKRAVARTI: I do not desire to make a long speech on the whole of the ground covered by the speech of the hon'ble members. But one thing that I want to say is this: it has been rightly said by Mr. Travers that he and his party are going to wait because the matter of the Bengal National Bank is *sub judice* and that if they discover there is ample misconduct on my part then there would be time for moving a motion of no-confidence.

Mr. Mukerji said something about the affairs of the Bank for which he could not support me. I refer him to that gentleman over there—Mr. Biswas. I refer to him because he does not belong to my party. He knows that I have still at stake something like Rs. 45 lakhs to save the Bengal National Bank and the Bangal Lakhi Cotton Mills. I am still indebted to the Imperial Bank on account of those Rs. 45 lakhs.

Mr. J. M. SEN GUPTA: Mr. President, I had no desire to take part in this debate because I realise, as some of the members have already said, that it is very difficult from our point of view to say anything new on the subject. But I have to say a few words lest our attitude to the two motions is misunderstood or deliberately misrepresented for reasons best known to the people who do so misrepresent us. It is perfectly obvious, as Dr. Roy has pointed out when he moved his two motions, that we, the members of the Congress party, are not actuated by any personal motive or malice against any of the two Ministers. We have not disguised the fact that a ministry under the present system of Government can never represent the real mind of the people. On this point there is absolutely no room for misunderstanding. Even our opponents in the press as well in this Council Chamber have freely admitted that the attitude of the Congress has been consistent since the inauguration of the so-called reforms. That attitude remains unchanged and I need not recapitulate the reasons behind this determination of the Congress.

But, to-night, Sir, with your permission I should like to put myself in the position of those members who are prepared to work the present constitution for whatever they are worth. I shall in my humble way make an attempt to convince every member of this House to whichever party or political group he may belong, that so far as these two motions are concerned, if he desires that the government of the country should be carried on by people who are above all suspicion of dishonesty or corruption, he cannot but lend his whole-hearted support to these motions. Sir, I will ask the members of the House who do not belong to our party to tell me whether even if they find that Ministers have been guilty of scandalous behaviour, they would still be prepared to support the present Ministers.

5-45 P.M.

I shall take those different groups one at a time. First of all let me say a few words to the Muhammadan members of this Council. I would ask them whether or not they represent the Muhammadan community of Bengal. I would ask the Muhammadan members who are not followers of Sir Abd-ur Rahim to answer me this question—Do you or do you not know that so far as the shooting at Ponabalia is concerned that the whole Muhammadan population of Bengal condemned that shooting and demanded a public inquiry? If the answer is yes, then I would ask every Muhammadan member of the Council to whatever party he may belong to put a question to the Hon'ble Mr. Ghuznavi. I find he has left his chair. I hoped that he would be here to listen to what we have got to say about him. But he has disappeared perhaps for the purpose of making his position secure. I would ask the Muhammadan members of this House to ask the Hon'ble Minister what part he has played in connection with the affairs at Ponabalia. I must point out to the members of this House that I am only speaking so far as this question is concerned from the point of view of Muhammadan community of Bengal. The Indian National Congress does not consider any question from the communal point of view. They will look at a question from the National point of view only. (Hear, hear!) But I would ask the members of the House particularly those Muhammadan members who are crying "hear, hear!" what they have to say about the Hon'ble Mr. Ghuznavi's conduct after the shooting took place at Ponabalia; and why the people of the locality where the shooting had taken place were crying out for help and for succour and for sympathy from the leaders. I would ask the members where was Mr. Ghuznavi at that time—whether he made an attempt to go to Ponabalia in answer to the cry of help. I know that the Hon'ble Mr. Ghuznavi did not go there. He was receiving cleverly manipulated addresses from local bodies when the people over there were crying for help. But that is not all. When that question roused the feelings of the entire Muhammadan community of Bengal, Sir Abd-ur Rahim took the only constitutional step that was possible for him to take. He resigned his seat in the Council and sought for re-election on the question of Ponabalia shooting. But what did the Hon'ble Mr. Ghuznavi do? He put up a candidate against Sir Abd-ur Rahim. I want the Muhammadan members to come forward and say whether that was justifiable. What was the issue on which Sir Abd-ur Rahim sought re-election? The issue was that there should be a public enquiry into the Ponabalia affair. I challenge any Muhammadan members to deny whether that was not the unanimous feeling of the entire Muhammadan community of Bengal. That is not all. When the question was raised on the floor of the House by my hon'ble friend, Maulvi Abul Kasem, through a motion for adjournment of the business of this House, what did the Hon'ble

Mr. Ghuznavi do? He sat there without uttering a single word or voicing the sentiment of the community on whose votes he relied for coming to the Council.

May I turn to the non-Muhammadan members of this House who do not belong either to our party or to the party of Sir Abd-ur Rahim—may I ask them why is it that the Hon'ble Mr. Ghuznavi has been sitting over the files of the nomination of members of three district boards of Bengal and some municipalities for the last few months. May I ask them has there been in the history of the British Government in Bengal so much delay in the nomination of members of district boards and municipalities. Will Mr. Ghuznavi deny that for the last two or three days he has been going round the lobby of the House and telling the members of the Council that if he is driven out—if the vote of no-confidence is carried it will not be possible for him to nominate the persons recommended by members of this Council. Sir the real reason which has actuated the Hon'ble Minister, I make bold to say, which has made the Hon'ble Minister delay these nominations is to consolidate his position in the Council by keeping back these nominations until the motion for no-confidence was over. While he delayed these nominations the new district boards could not function, but that did not matter to the Hon'ble Minister because he had to make his position secure in the Council Chamber and in the ministerial chair.

Now let me turn to European members. Do not deceive yourselves. I ask Mr. Travers not to deceive himself and his followers into the belief that they are voting according to the dictates of their conscience; because Swarajists have put forward these motions and therefore they must oppose them. I will ask the European members and the members of Government to put this simple question. What would they have done as the head of a business firm if an employee was found to be dishonest? Would they wait until an honest employee was found? Would they wait until an honest cashier was found when as a matter of fact as the head of a business house they found that the cashier was incompetent and dishonest. Would they not cashier the cashier and take charge of the cash themselves? Therefore, I put it to the European members to say—is this not their case that because this motion has been put by a member of the Swaraj party which has always opposed diarchy, therefore they cannot support this motion and that Ministers, although they are found incompetent, must be supported. Sir, Mr. Travers and his friends are from a country where representative Government has been in existence for centuries. I would ask them whether they should tell this House that a Ministry in England would last 24 hours if the allegations that have been made in Bengal against the Hon'ble Mr. Chakravarti had been made against a Minister in England. I had a talk with some of the European members of this Council, and they agreed with me that this Ministry did not bring any credit to Bengal.

After all this Government is mainly British. Do these Ministers bring any credit to the British administration in India. The European members I talked to clearly gave me the answer that the Ministers only brought discredit to the British administration of Bengal. If that is so, then may I ask for what reason is there for keeping them on as Ministers. A question that they always put to me is this: whether I and my friends would accept office and if we agreed to do so, they would at the very next moment turn the present Ministers out. I would tell them . . . . . .

[Here the member having reached his time-limit, was allowed to proceed by the Hon'ble the President.]

They know that we do not desire to accept office under this constitution but I would ask them if you are business men and as heads of business offices would you not turn out dishonest employees and take the work into your own hands. I can only come to this conclusion that the motive of the European members not voting for these two motions was that the world should believe that Indians were absolutely incompetent to administer the affairs of the country. I know that some of the Europeans members do believe that these two Ministers bring no credit to the Government and, therefore, I see no reason why they should not follow us into the same lobby.

I would bring to their notice another fact, namely, that similar motions had been tabled by another member who did not belong to the Congress party but who believed in the working of the present constitution. Once Dr. Roy had obtained leave of the House for his motions, it was not necessary for the other gentleman to move his own motion. Therefore, it was futile for the Europeans to allege and make an excuse, that by bringing forward these two motions the Swaraj party wanted to raise a constitutional issue. The European members certainly remember what His Excellency said here only two days ago, that if this Ministry is overthrown he would immediately appoint two other Ministers. Does that look like the raising of a constitutional issue.

6 P.M.

I submit, Sir, that there is no case for the support of the Ministry even looking at the question from the point of view of those who believe in working the present system of Government.

Therefore, Sir, the clear duty that rests on every individual, who is jealous of the reputation of this system of Government, however rotten it may be, who is jealous that this system should be worked, who is jealous of the public life of this country, is to vote solidly for the motion and prove to the world that the people of Bengal and their representatives in the Bengal Legislative Council do not hesitate on the

plea of party jealousy, to rise above petty considerations, and do everything possible to clear the atmosphere of public life by ruthlessly driving out men around whom a cloud of suspicion hangs with regard to their integrity and competency.

Maulvi ABUL KASEM: I beg to move that the question be now put.

On the motion being put, more than a two-thirds majority was found to be in favour of the motion, and it was therefore agreed to.

Mr. PRESIDENT: I now put the following motion:

That this Council has no confidence in the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi, Minister for Agriculture and Industries.

On the motion being put, a division was taken.

Rai HARENDRANATH CHAUDHURI: Sir, before you declare the result of the division, may I bring to your notice that while the voting was in progress Mr. Gilchrist and another European gentleman, who declined to give his name, crossed over to the other lobby?

It was found that Mr. A. McD. Eddis was the other gentleman.

Mr. PRESIDENT: Mr. Eddis, may I ask whether you were actually inside the Chamber before the doors were closed?

Mr. A. McD. EDDIS: I was in the Chamber before the doors were closed.

Mr. PRESIDENT: Mr. Gilchrist, may I ask whether you came into the Chamber after the doors were closed.

Mr. R. N. GILCHRIST: I was inside the Chamber before the doors were closed.

Mr. J. M. SEN GUPTA: I do not think, Sir, that you have quite realised the point that was raised by Rai Harendranath Chaudhuri. His point was not that the members whose votes are questioned were or were not in the Chamber when the division-bell ceased to ring. The point that he has raised is that Mr. Gilchrist and Mr. Eddis, after recording their votes in the "No" lobby, crossed into the other lobby before the doors were opened and while the voting was in progress—this is against one of the rules in regard to voting.

Mr. PRESIDENT: Am I to understand from what you say that if these gentlemen infringed any rule, they did so after they recorded their votes? If any of these gentlemen committed any mistake before recording their votes, I am here to take cognisance of it, not otherwise.

Rai HARENDRANATH CHAUDHURI: Do I understand, Sir, that your ruling is that if a member after recording his vote crosses over to the other lobby while the voting is in progress, his vote stands all right?

Mr. PRESIDENT: Well, I think his vote has got to be recorded, so long as he does not infringe the rules before he actually records his vote.

Babu NALINIRANJAN SARKER: Sir, Mr. Gilchrist first went to the "No" lobby and then went to the other lobby.

Mr. GILCHRIST: No, Sir.

Rai HARENDRANATH CHAUDHURI: May I rise to a further point of order? One of the directions contained in the Circular recently sent to members lays down that after recording his vote a member must not go over to the other lobby. Therefore, that direction was infringed.

Mr. PRESIDENT: That portion of the charge is admitted. My point is that the mistake was unintentionally committed after the members recorded their votes without affecting the voting in any way.

Mr. D. N. ROY: Sir, on a previous occasion, when Sir Evan Cotton was in the Chair, I did myself once go across to the wrong lobby—of course I was then a new member.

Mr. PRESIDENT: Well, I am told—of course I stand open to correction—that you passed the teller. On this occasion none of these gentlemen recorded their votes in both the lobbies, nor did they pass the teller in both the lobbies.

The result of the division was as follows:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ali, Maulvi Syed Nausher.
Atiquilah, Mr. Syed Muhammad.
Bagchi, Babu Romes Chandra.
Bakah, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Banerjee, Mr. A. C.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.

Huq, Khan Bahadur Maulvi Ekramul.
Husain, Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F. M. Abd-ur-.
Rauf, Maulvi Syed Abdur.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Ray, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sadeque, Maulvi Mohamed.
Sarker, Babu Naliniranjan.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Altaf.
Chakravarti, the Hon'ble Mr. Byomkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Sir James.
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Eddis, Mr. A. McD.
Faroqui, Khan Bahadur K. C. M.
Forrester, Mr. J. Campbell.
Ghosh Maulik, Babu Satyendra Chandra.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Gilchrist, Mr. R. N.
Hamilton, Lieutenant-Colonel W. G.
James, Mr. F. E.
Kellock, Mr. C. deM.
Khan, Mr. Razaur Rahman.
Lahiri, Mr. Basanta Kumar.
Laird, Mr. R. B.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
MacBean, Mr. J. A.
Maguire, Mr. L. T.
Marr, Mr. A.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Moberly, the Hon'ble Mr. A. N.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Ordish, Mr. J. E.
Phelps, Mr. Trevor J.
Philip, Mr. J. Y.
Poddar, Mr. Ananda Mohan.
Prentice, Mr. W. D. R.
Raikat, Mr. Prosanna Deb.
Ray, Babu Nagendra Narayan.
Ray, Maharaja Jogindra Nath, of Nator.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Sachse, Mr. F. A.
Sanyal, Babu Sachindra Narayan.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Skinner, Mr. S. A.
Stuart-Williams, Mr. S. C.
Suhrawardy, Mr. H. S.
Tate, Major-General Godfrey.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

The Ayes being 66 and the Noes 62, the motion was carried.

The Hon'ble Mr. BYOMKES CHAKRAVARTI: As ours is a joint responsibility I take the consequences of the result of the voting on this motion.

Mr. PRESIDENT: I am afraid that at this stage I cannot but put the other motion which is already before the House and that is:

That this Council has no confidence in the Hon'ble Mr. Byomk Chakravarti, Minister for Education.

On the motion being put a division was taken with the followi result:—

AYES.

Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ali, Maulvi Syad Nausher.
Atiquilah, Mr. Syed Muhammad.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Premotha Nath.
Banerjee, Mr. A. C.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sikhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Doyal.
Heque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Husain, Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lala, Babu Sareda Kripa.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Mukerji, Mr. S. C.
Nasker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F. M. Abdur.
Rauf, Maulvi Syed Abdur.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Chaudhuri, Rai Bahadur Satyendra Na
Sadeque, Maulvi Mohamed.
Sarker, Babu Naliniranjan.
Sarker, Rai Sahib Robati Mahan.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Solaiman, Maulvi Muhammad.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Altaf.
Chakravarti, the Hon'ble Mr. Byomkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Cooper, Mr. C. C.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Sir James.
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Eddis, Mr. A. McD.
Farequi Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghosh Maulik, Babu Satyendra Chandra.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Gilchrist, Mr. R. N.
Hamilton, Lieutenant-Colonel W. G.
James, Mr. F. E.
Kellock, Mr. C. deM.
Khan, Mr. Razaur Rahman.
Lahiri, Mr. Basanta Kumar.
Laird, Mr. R. B.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
MacBean, Mr. J. A.
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Marr, Mr. A.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Moberly, the Hon'ble Mr. A. H.
Morgan, Mr. G.
Oaten, Mr E. F.
Ordish, Mr. J. E.
Pheips, Mr. Trever J.
Philip, Mr. J. Y.
Poddar, Mr. Ananda Mohan.
Prentice, Mr. W. D. R.

...ikat, Mr. Prasanna Deb.	Shah, Mr. Ghulam Hossain.
...ay, Babu Nagendra Narayan.	Skinner, Mr. S. A.
...ay, Maharaja Jagindra Nath, of Nator.	Stuart-Williams, Mr. S. C.
...ay, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.	Suhrawardy, Mr. H. S.
...ed, Mr. R. N.	Tate, Major-General Godfrey.
...achse, Mr. F. A.	Thompson, Mr. W. H.
...anyal, Babu Sashindra Narayan.	Travers, Mr. W. L.
	Woodhead, Mr. J. A.

The Ayes being 68 and the Noes 55, the motion was carried.

Adjournment.

The Hon'ble Sir JAMES DONALD: In view of the situation that has been created as a result of the voting on these motions, I suggest that the Council be adjourned *sine die*

Mr. PRESIDENT: I think I should adjourn the Council now till to-morrow and await His Excellency's orders.

The Council was accordingly adjourned till 3 P.M. on Friday, the 26th August, 1927, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall Calcutta, on Friday, the 26th August, 1927, at 3 P.M.

Present:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI OF SANTOSH) in the Chair, the four Hon'ble Members of the Executive Council and 92 nominated and elected members.

Prorogation.

Mr. PRESIDENT: Gentlemen of the Council, I have it in command from His Excellency the Governor to announce that the Council stands prorogued.

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